

VERIFICATION / AFFIDAVIT OF
DOLORES MOSELEY

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

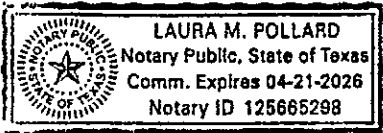
BEFORE ME, the undersigned authority, personally appeared DOLORES MOSELEY,
who, being by me duly sworn on her oath, deposed and said:

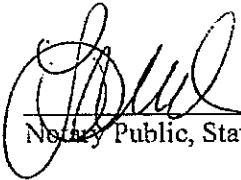
I have read the foregoing Plaintiffs' Original Petition and Application for Injunctive Relief ("Petition"). Unless expressly indicated otherwise, such as references to an assertion of fact being based on information and belief, the factual statements contained in the foregoing are within my personal knowledge and are true and correct. I am competent to make this affidavit or verification and have not been convicted of any felony or misdemeanor involving moral turpitude. I am an owner of a condominium in Wurzbach Tower, and I am a member in 7701 Wurzbach Tower Council of Co-Owners, Inc.

Further affiant sayeth not for now.


DOLORES MOSELEY

SUBSCRIBED AND SWORN to before me on this 6th day of May, 2024 to certify which
witness my hand and seal of office.





Notary Public, State of Texas

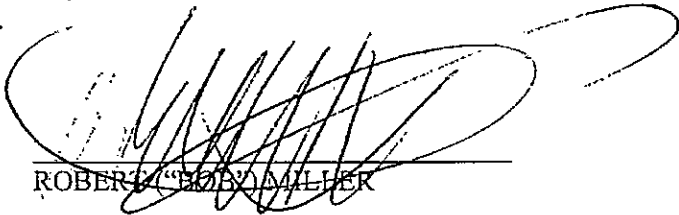
VERIFICATION / AFFIDAVIT OF
ROBERT ("BOB") MILLER

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

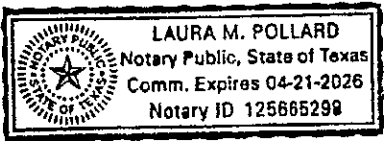
BEFORE ME, the undersigned authority, personally appeared ROBERT ("BOB") MILLER, who, being by me duly sworn on his oath, deposed and said:

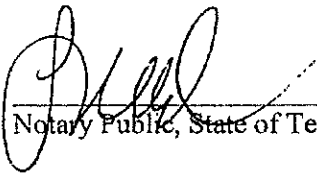
I have read the foregoing Plaintiffs' Original Petition and Application for Injunctive Relief ("Petition"). Unless expressly indicated otherwise, such as references to an assertion of fact being based on information and belief, the factual statements contained in the foregoing are within my personal knowledge and are true and correct. I am competent to make this affidavit or verification and have not been convicted of any felony or misdemeanor involving moral turpitude. I am an owner of a condominium in Wurzbach Tower, and I am a member in 7701 Wurzbach Tower Council of Co-Owners, Inc.

Further affiant sayeth not for now.


ROBERT ("BOB") MILLER

SUBSCRIBED AND SWORN to before me on this 6th day of May, 2024 to certify which witness my hand and seal of office.




Notary Public, State of Texas

VERIFICATION / AFFIDAVIT OF
CLAUDIA MILLER

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, personally appeared CLAUDIA MILLER, who,
being by me duly sworn on her oath, deposed and said:

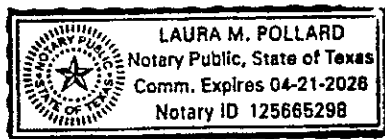
I have read the foregoing Plaintiffs' Original Petition and Application for Injunctive Relief ("Petition"). Unless expressly indicated otherwise, such as references to an assertion of fact being based on information and belief, the factual statements contained in the foregoing are within my personal knowledge and are true and correct. I am competent to make this affidavit or verification and have not been convicted of any felony or misdemeanor involving moral turpitude. I am an owner of a condominium in Wurzbach Tower, and I am a member in 7701 Wurzbach Tower Council of Co-Owners, Inc.

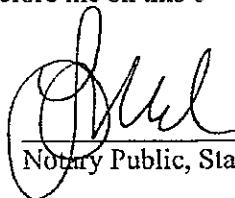
Further affiant sayeth not for now.



CLAUDIA MILLER

SUBSCRIBED AND SWORN to before me on this 6th day of May, 2024 to certify which
witness my hand and seal of office.





Notary Public, State of Texas

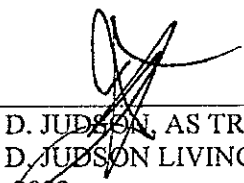
VERIFICATION / AFFIDAVIT
OF JOSEPH D. JUDSON, as Trustee of the
Joseph D. Judson Living Trust Dated May 26, 2022

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, personally appeared JOSEPH D. JUDSON, AS TRUSTEE OF THE JOSEPH D. JUDSON LIVING TRUST DATED MAY 26, 2022, who, being by me duly sworn on his oath, deposed and said:

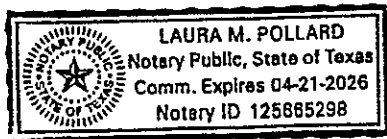
I have read the foregoing Plaintiffs' Original Petition and Application for Injunctive Relief ("Petition"). Unless expressly indicated otherwise, such as references to an assertion of fact being based on information and belief, the factual statements contained in the foregoing are within my personal knowledge and are true and correct. I am competent to make this affidavit or verification and have not been convicted of any felony or misdemeanor involving moral turpitude. I am an owner of a condominium in Wurzbach Tower, and I am a member in 7701 Wurzbach Tower Council of Co-Owners, Inc.

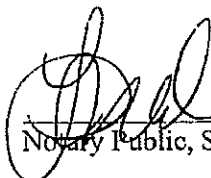
Further affiant sayeth not for now.



JOSEPH D. JUDSON, AS TRUSTEE OF THE
JOSEPH D. JUDSON LIVING TRUST DATED
MAY 26, 2022

SUBSCRIBED AND SWORN to before me on this 6th day of May, 2024 to certify which witness my hand and seal of office.





Notary Public, State of Texas

VERIFICATION / AFFIDAVIT OF
GLENN CHASE for PANTERA SERIES LLC

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, personally appeared GLENN CHASE as the authorized representative of the managing member for Pantera Series LLC, who, being by me duly sworn on his oath, deposed and said:

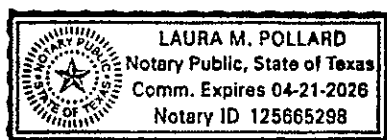
I have read the foregoing Plaintiffs' Original Petition and Application for Injunctive Relief ("Petition"). Unless expressly indicated otherwise, such as references to an assertion of fact being based on information and belief, the factual statements contained in the foregoing are within my personal knowledge and are true and correct. I am competent to make this affidavit or verification and have not been convicted of any felony or misdemeanor involving moral turpitude. This LLC, is the owner of a condominium in Wurzbach Tower, and I am a member in 7701 Wurzbach Tower Council of Co-Owners, Inc., specifically condo Unit 2306,

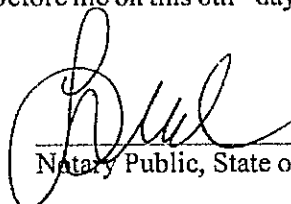
Further affiant sayeth not for now.


GLENN CHASE,

As authorized representative of Pantera Series LLC

SUBSCRIBED AND SWORN to before me on this 6thth day of May, 2024 to certify which witness my hand and seal of office.




Notary Public, State of Texas



LANGLEY & BANACK

PETER L. KILPATRICK
BOARD CERTIFIED - CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

INCORPORATED
Attorneys and Counselors at Law

January 25, 2024



7540 7266 7404 2209 7023 32

E-MAIL: pkilpatrick@langleybanack.com

CERTIFIED MAIL NO.: 9414726699041209702339

RETURN RECEIPT REQUESTED

7701 Wurzbach Tower Council of Co-Owners, Inc.,
c/o Brady Ortego, Steptoe & Johnson, PLLC
711 Broadway, Suite 220
San Antonio, Texas 78215

Certified Article Number

7431 7266 7404 2209 7023 37

SENDER'S RECORD

Re: Demand for compliance with the law regarding your reporting obligations; demand for documents to be notified of future meetings of the Board of Directors, and separate demand for certain records and documents under the law

Dear 7701 Wurzbach Tower Council of Co-Owners, Inc. ("Association") c/o Mr. Brady Ortego

This law firm represents Robert and Claudia Miller (Unit 2305) and Joseph D. Judson, Trustee of the Joseph D. Judson Living Trust dated May 26, 2022 (Unit 2304). As such, they are mandatory members of 7701 Wurzbach Tower Council of Co-Owners, Inc., a Texas non-profit Corporation, "Association" herein.

I am sending this to you via Steptoe & Johnson and Mr. Ortego as it is my understanding such firm is your current counsel. If I am mistaken in this regard, please let me know immediately so this can be properly re-directed.

The Association is deficient in its legal obligations in connection with its legal and reporting obligations.

Periodic Reports, sometimes called Periodic Information Reports ("PIR") are required to be provided to the Secretary of State to identify all of the Association's directors and other information. Such PIRs should be filed periodically, no later than every 4 years. However, the Association's last PIR was 10 years ago. Demand is made that the Association cure this deficiency by February 5, 2024.

You do not have a copy of the management certificate on file with the Texas Real Estate Commission as required by law. Please remedy this by February 5, 2024. You should also have an updated management certificate on file with the Bexar County real-estate records.

Board and membership meetings must be "open" pursuant to §82.108 (b) of the Texas Property Code, with the limited situations in which closed or executive sessions of the Board (which must be held incident to an open meeting) are allowed by 82.108(b). The situations in which closed or executive sessions may be legally held is limited, such as matters involving litigation or personnel matters. It appears to our clients that provision has been repeatedly violated. To the extent there have not been open meetings in compliance with 82.108(b), demand is respectfully but firmly made that you immediately cease such violations.

TRINITY PLAZA II • 745 EAST MULBERRY, STE 700
SAN ANTONIO, TEXAS 78215 • T 210.733.6600 • F 210.733.6600
WWW.LANGLEYBANACK.COM

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L & B 00136/0999/L0093565.DOC/
4873-8678-3138, v. 1

EXHIBIT 1

January 25, 2024

Page 2

Pursuant to §82108(f) of the Texas Property Code, the Millers and Mr. Judson require notice of every meeting of the Board of Directors of the Association. This applies to all board meetings, whether you call it a real meeting, public meeting, administrative meeting, or closed meeting of the Board. Please send notice of the next and subsequent notices of meetings of the Board to both of my clients at their addresses provided in the first paragraph above. Please also include any agenda for such meetings.

Mr. Judson received a letter from your counsel in October 2023 that demanded he not communicate with employees or members of the Board of his own Association, regardless of the subject matter. Respectfully, there is no legal basis for such a broad cease and desist. If you think I am mistaken, please provide the caselaw or statutory basis that requires my client not to engage or communicate with employees or officers or directors of his own condo association when it comes to matters of governance and any week-to-week issues. However, I understand that there is a pending separate lawsuit and as to that lawsuit, the parties should use their best efforts to avoid substantively engaging directly with each other specifically as to such case (not because it is the law but because I am sure counsel of record for both sides would prefer it).

When Mr. Judson asked at a meeting in late 2023 who were the current members of the Board, Mary Demaine, as President, in front of other members and the Association's counsel, incredibly retorted in an admonishing tone that Mr. Judson and the other members present were not entitled to know the identities of their Board members. That's crazy. Counsel for the Association reportedly did not correct her at such meeting and commented that anyone present who disagreed with such assertions must go thru him. Those comments are entirely inappropriate and contribute to the current dysfunction of the Association. If the Association continues to operate in a dysfunctional manner in callous disregard of the law in derogation of the rights of my clients as members of this Association, regrettably but necessarily, our clients will explore whether it is appropriate to file a petition seeking a Receivership of the Association by an officer of the Court. My clients would prefer that they need not be forced to consider such an option.

As a courtesy to Mr. Ortega, I am also enclosing a copy of the records request which by law was sent to the registered agent of the Association.

Thank you for your attention to these important matters to Mr. Judson and the Millers as members of the Association.

Sincerely,

LANGLEY & BANACK, INC.



PETER L. KILPATRICK

cc: Clients

L & B 00136/0999/L0093563.DOC/
4873-8878-3135, v. 1

WURZBACH TOWER

Annual Homeowners Meeting
will be on Wednesday, May 8, 2024

The meeting will be recorded via email and paper
where everyone can obtain information
and have their voice heard as part of the meeting.

In advance of the meeting, please submit your comments via email or paper. Homeowners are encouraged to write any compliments, suggestions, or concerns to be included in the annual meeting. Submissions will become a part of the annual meeting as written by the author and will not be edited by anyone. All responses are the individual's sole responsibility. Although every effort will be made to respond to each submission the fact that you submit does not guarantee a response. Submissions are due at the end-of-day on March 29, 2024.

Your submissions must be accompanied by the consent to distribute document along with a signature and date. The consent to distribute document authorizes and confirms that your request will be included as a statement for the meeting as if you had distributed it directly to the rest of the homeowners yourself.

Any Wurzbach Tower homeowners interested in running for the Wurzbach Tower board of directors may submit a resume and statement of intent addressed to the Wurzbach Tower nominating committee in a sealed envelope and mailed to the Wurzbach Tower. If applying for consideration, interested homeowners must submit this information before 12:00 pm on March 22, 2024.

Thank you,
Wurzbach Tower Board of Directors
Wurzbach Tower Council of Co-owners

WURZBACH TOWER
7701 Wurzbach Road | San Antonio, Texas 78229
Phone: 210-614-9888 | 210-614-9889
Email: wurzbachtower@gmail.com

Proprietary and Confidential

EXHIBIT 2

WURZBACH TOWER



Distribution Document 2024

Homeowners Annual Meeting Consent and Release Form
to acknowledge email and paper homeowner statement submission responsibility.

Date of Submission: _____ Homeowner Unit #: _____
Homeowner Name (please print): _____

I, _____, a homeowner in good standing at 7701 Wurzbach tower, do hereby authorize 7701 Wurzbach Tower Council of Co-owners to publish the accompanying document(s) dated, _____ to the annual meeting as if said submission were made directly by myself to each individual homeowner to whom it is delivered. I understand my submission must be signed and dated and that anonymous submissions are not allowed.

I take full responsibility for the submission under the auspice of local, state and federal law for my statement in their entirety. I made the attached submission as if it/they were delivered personally by myself to each homeowner. I understand that my statement(s) are being printed as they have been submitted and will not be edited prior to publishing.

I release 7701 Wurzbach Tower Council of Co-Owners and their insurers, the Board of Directors and their insurers and any assigns and their insurers from any liability or any civil or criminal action resulting from any statement I may make via this submission and am prepared to take full responsibility for my statement(s) published to the annual meeting.


I hereby take full responsibility for any and all assertions, allegations and/or accusations, and/or ruminations, etc, I may make or am making and indicate my agreement with all of the terms stated within this document by affixing my signature below.

Signature of homeowner submitting statement Printed name of homeowner submitting statement
(Note: Incomplete forms will result in a submission being discarded)

WURZBACH TOWER
7701 Wurzbach Road | San Antonio, Texas 78229
Phone: 210-614-9888 | 210-614-9889
Email:


Proprietary and Confidential

EXHIBIT 3



PETER L. KILPATRICK
BOARD CERTIFIED - CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

LANGLEY & BANACK
INCORPORATED
Attorneys and Counselors at Law



9590 9266 9904 2209 7023 87

E-MAIL: pkilpatrick@langleybanack.com

VIA CERTIFIED MAIL No. 9414726699042209702384
RETURN RECEIPT REQUESTED
7701 Wurzbach Tower Council of Co-owners, Inc.
c/o Brady Ortega
Stephens & Johnson, PLLC
711 Broadway, Suite 220
San Antonio, Texas 78215

Certified Article Number

9414 7266 9904 2209 7023 84

SENDER'S RECORD

Re: 7701 Wurzbach Tower Council of Co-Owners, Inc. ("Association")

Dear Association c/o Mr. Ortega:

My clients are troubled by the notice for the so-called "Annual Homeowners Meeting," which, as noticed, is not at all a "meeting" of the membership, as required by the Declaration and the law. I am enclosing the notice of such meeting for your convenience.

There is no particular hour or place for the annual meeting identified in the notice. As framed, there is no opportunity for contemporaneous exchange or for a member to make a motion from the floor. The notice talks of an opportunity for members to send emails during or in connection with such "meeting" that can somehow be private, as such, the notice contemplates private messages to the Board at the Annual meeting that will not be "heard" or contemporaneously shared with the membership unless it is authorized by that member with a consent. I have never seen an Annual Meeting where a member runs up to whisper something to the Board, which is the electronic equivalent of the current notice. The notice invites expressions of concerns or suggestions or compliments but says nothing about voting, or how the "meeting" is to be conducted or who is presiding, or when the "meeting" is concluded. It also includes no agenda and no ballot for any voting. It does not identify how many board seats or whose seat is up for election.

Whether a quorum is reached should be announced at the outset of an annual meeting based on who is present in person or by proxy. All communications and expressions of concerns at an annual meeting, motions from the floor, any candidate introductions, and any votes cast, should be made at an in-person annual meeting with the opportunity for those who do not wish to directly participate to vote via appropriate proxies. At the annual membership meeting a contemporaneous vote, after an opportunity for discussion, should be taken by the members on approving the minutes from the last annual meeting. You know, the way other condo associations usually do it, and the way this Association should do it pursuant to the law.

The Declaration and the law does not allow for annual meeting to be conducted "by email." If you think the law in this area has dramatically changed to allow what this Board is planning, please enlighten me. Otherwise, we implore the Board to comply with, rather than violate the law regarding the right to a transparent annual meeting of the membership.

TRINITY PLAZA II 745 EAST MULBERRY, STE 700
SAN ANTONIO, TEXAS 78212 • T 210.736.6800 • F 210.736.6887
WWW.LANGLEYBANACK.COM

L & B 00136/0999/100233661.DOC/ 4883-8116-5022 R.2
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MERITAS® LAW FIRMS WORLDWIDE

EXHIBIT 4

April 12, 2024

Page 2

When did the Board decide to set this date and approve this notice? My clients were not made aware of any board meeting where such matter was taken up and discussed and the date or nature or conduct of such annual meeting was voted on. Indeed, my clients have yet to be notified of a single board meeting of the Association in advance despite the obligation of the Board to do so. The Board appears to continue operating in secrecy in violation of the law. This is a meeting of the homeowners, not a Board meeting that should be for the benefit of the membership.

My clients urge that the Board promptly call a board meeting (for which my clients should receive notice and hopefully the rest of the membership as well) so that the Board can discuss in an open meeting the date, time, location and agenda, and vote on re-notifying a traditional "real" in-person annual meeting of the membership.

Pursuant to §22.158 of the Texas Business Organization Code, my clients demand an opportunity to inspect the alphabetical list of the names of all voting members for the so called "annual meeting" currently scheduled for May 8, 2024. A reasonable location would be at the front desk or business office of the Association at the first floor and, given that the list should have already been prepared no later than the second business day after the date the annual meeting notice was issued, my clients or either of them will inspect same on Wednesday, April 17, 2024 at 10:00a.m. My clients wish to view same for the proper purpose of making sure they and others are on the list and to monitor the Association's compliance with the law. Indeed, the Association has in recent years had a penchant for inexplicably not allowing at least one of my clients to even vote. Additionally, please have a copy made available for my clients to pick up at such time. Mr. Judson or Ms. Miller is willing to pay a reasonable copy fee at such time. If a different version of the voting list is made available to our clients on April 17, 2024 that is different than what was prepared within two business days of the issuance of the notice for the "meeting," my clients wish to inspect and have a copy of both lists.

Thank you for your attention to these important matters to my clients.

Sincerely,

LANGLEY & BANACK, INC.




PETER L. KILPATRICK

cc: Dan Judson and Bob and Claudia Miller

L & B 00136/0999/L0093565.DOC/
4893-5115-3322, v. 2

WURZBACH TOWER



Annual Homeowners Meeting
will be on Wednesday, May 8, 2024

The meeting will be recorded via email and audio
whose everyone can obtain information
and have their voice heard as part of the meeting.

In advance of the meeting, please submit your comments via email or paper. Homeowners are encouraged to write any compliments, suggestions, or concerns to be included in the annual meeting. Submissions will become a part of the annual meeting as written by the author and will not be edited by anyone. All responses are the individual's sole responsibility. Although every effort will be made to respond to each submission the fact that you submit does not guarantee a response. Submissions are due at the end-of-day on March 20, 2024.

Your submissions must be accompanied by the consent to distribute document along with a signature and date. The consent to distribute document authorizes and confirms that your request will be included as a statement for the meeting or if you had distributed it directly to the rest of the homeowners yourself.

Any Wurzbach Tower homeowners interested in running for the Wurzbach Tower board of directors may submit a resume and statement of intent addressed to the Wurzbach Tower nominating committee in a sealed envelope and mailed to the Wurzbach Tower. If applying for consideration, interested homeowners must submit this information before 7:00 pm on March 21, 2024.


Thank you,
Wurzbach Tower Board of Directors
Wurzbach Tower Council of Co-owners

WURZBACH TOWER

1000 Wurzbach Blvd, Suite 1000, Wurzbach, TX 75080

1000 Wurzbach Blvd, Suite 1000, Wurzbach, TX 75080

1000 Wurzbach Blvd, Suite 1000, Wurzbach, TX 75080

Return Receipt (Form 3811) Barcode	
	
9590 9266 9904 2209 7023 87	
1. Article Addressed to: Brady Ortego Stepcoe & Johnson, PLLC 711 Broadway, Suite 220 San Antonio, TX 78215	
2. Certified Mail (Form 3800) Article Number 9414 7266 9904 2209 7023 84	
PS Form 3811, Facsimile, July 2015	
Domestic Return Receipt	

COMPLETE THIS SECTION ON DELIVERY	
A. Signature <i>[Signature]</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
B. Received by (Printed Name) Anne Fuentes	C. Date of Delivery 7/15/14
D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
E. Service Type: <input checked="" type="checkbox"/> Certified Mail	
Reference Information 28032.0002 PLK/imp	

U.S. Postal Service® CERTIFIED MAIL® RECEIPT Domestic Mail Only	
USPS® ARTICLE NUMBER 9414 7266 9904 2209 7023 84	
Certified Mail Fee	\$ 3.35
Return Receipt (Hardcopy)	\$ 2.75
Return Receipt (Electronic)	\$ 0.00
Certified Mail Restricted Delivery	\$ 0.00
Postage	\$ 0.46
Total Postage and Fees	\$ 6.56
Sent to: Brady Ortego Stepcoe & Johnson, PLLC 711 Broadway, Suite 220 San Antonio, TX 78215	
Reference Information PLK/imp 28032.0002	
PS Form 3800, Facsimile, July 2015	

We are appalled that the Wurzbach Tower Board of Directors is still not allowing in person COA meetings. In the last 2 years we have attended numerous board meetings. I serve on the board of directors of four corporations. Two in the U.S., one in Canada and one in Mexico. The two U.S. boards have been meeting in person for a full 2 years with no Covid restrictions. The Canadian board and the Mexico board have been meeting in person for the last 18 months. All during Covid these four boards met virtually through Teams or Zoom. At all times these boards strived to operate with good governance and respect to our members.

We own condos in other cities. All properties in which we are involved have held open COA meetings for the past 2 years. The board of directors of the respective properties meet in open sessions and allow attendance by owners. Additionally, they provide minutes of the meeting immediately.

Extreme Covid restrictions are no longer in place or are mask required in Dr. offices, airports, airlines, restaurants, or grocery stores. Holding a supposed COA meeting via email does not give owners an opportunity to discuss issues with the board or each other. This is a denial of our rights as owners.

The current method of management by the Wurzbach Tower Board of Directors is the finest example of poor corporate governance. Hiding behind Covid as a reason for not meeting in person is just an exercise in evading facing the owners and holding on to elected positions.

We are not even sure who the board members are. Last year we received bios on a few people running for a board position. Then we received the election results. Some people elected were not in the bio info we received. And we never even received a ballot to vote!

We have owned our condo at Wurzbach Tower for almost 15 years and have noticed property values are very low. Could be that prospective buyers do not like how the property is managed. Lately the lower lobby décor has become very cluttered and mismatched. Not a good first impression.

The one bright spot is the Wurzbach Tower staff has always been friendly, professional, and knowledgeable.

Meetings could be held via Teams or Zoom if the board is still scared of Covid. Not meeting in public is just a tactic to keep owners uninvolved, and let the board hold their seats and do as they please.

At this point condo owners should be allowed their right to open, in person, meetings.

Rogers Hoyt Jr. *Rogers Hoyt Jr.* Partner
 Camille Hoyt *Camille Hoyt* - partner
 Rogers Hoyt Family Limited Partnership
 March 16, 2023

Exhibit
 4.5

WURZBACH TOWER | 7701 Wurzbach Road | San Antonio, Texas 78229
 Phone: 210-614-9888 | 210-614-9889
 Email: wurzbachtower@gmail.com

Begin forwarded message:

From: wurzbachtower@gmail.com
Date: May 1, 2024 at 5:37:59 PM CDT
To: doloresmoseley634@yahoo.com
Subject: 5-Day Notice Annual Meeting May 8, 6:30pm

The 2024 Wurzbach Tower Annual Meeting documentation will be posted on google drive over the next week for our meeting on May 8.

<https://drive.google.com/drive/folders/12f8AiflOi3iDqvR7UXFvYDloXdkmNp1M>

Exhibit
4.75

WURZBACH TOWER

Annual Homeowners Meeting

May 8, 2023

Meeting Documents

The 2024 Wurzbach Tower Annual Meeting documentation will be on google drive. An email notification was sent to you with the location or link where you can access the documents to review. Sometimes, the email can land in a spam or junk folder so please check these folders if you do not see it in your inbox.

You will have access to the following documents:

1. Financials that were audited by a certified accountant
2. Treasurer's Letter
3. State of the property market information
4. President's Message
5. Comments of owners who properly consented to be published
6. Mini-bios and/or short statements from candidates for the board
7. A year in pictures

On May 8, 2024, you will have access to the official ballot for voting in email or in person at the meeting.

1. If you are in the building, properly fill out the ballot, place it in a sealed envelope and deliver it to the courtesy desk. If you are a proxy (or multiple proxies) for an owner, attach valid proxies to the physical ballot.
2. If you are not in the area, email the ballot to the Wurzbach Tower email address. If you are a proxy (or multiple proxies) for an owner, attach the valid proxies to the ballot when you send in the email.

Ballot totals will be tabulated by an accountant with percentages and participation and will be reported to you.

Exhibit
4.8

WURZBACH TOWER | 7701 Wurzbach Road | San Antonio, Texas 78229
Phone: 210-614-9888 | 210-614-9889
Email: wurzbachtower@gmail.com

WURZBACH TOWER

Annual Homeowners Meeting

May 8, 2023

Meeting Documents

The 2024 Wurzbach Tower Annual Meeting documentation will be on google drive. An email notification was sent to you with the location or link where you can access the documents to review. Sometimes, the email can land in a spam or junk folder so please check these folders if you do not see it in your inbox.

You will have access to the following documents:

1. Financials that were audited by a certified accountant
2. Treasurer's Letter
3. State of the property market information
4. President's Message
5. Comments of owners who properly consented to be published
6. Mini-bios and/or short statements from candidates for the board
7. A year in pictures

On May 8, 2024, you will have access to the official ballot for voting in email or in person at the meeting.

1. If you are in the building, properly fill out the ballot, place it in a sealed envelope and deliver it to the courtesy desk. If you are a proxy (or multiple proxies) for an owner, attach valid proxies to the physical ballot.
2. If you are not in the area, email the ballot to the Wurzbach Tower email address. If you are a proxy (or multiple proxies) for an owner, attach the valid proxies to the ballot when you send in the email.

Ballot totals will be tabulated by an accountant with percentages and participation and will be reported to you.

WURZBACH TOWER | 7701 Wurzbach Road | San Antonio, Texas 78229
Phone: 210-614-9888 | 210-614-9889
Email: wurzbachtower@gmail.com

WURZBACH TOWER

Annual Homeowners Meeting

May 8, 2024

Meeting Documents (Confidential)

The Annual Meeting documents are posted here for your review. We'd like to remind you that all documents are considered confidential, and it is proprietary to current homeowners of Wurzbach Tower.

You have access to the following documents:

1. Financials audited by a certified accountant
2. Treasurer's Letter
3. State of the property market information
4. President's Message
5. Comments of owners
6. Mini-bios and/or short statements from candidates for the board
7. A year in review pictures

Thank you,
Wurzbach Tower Board of Directors

WURZBACH TOWER | 7701 Wurzbach Road | San Antonio, Texas 78229
Phone: 210-614-9888 | 210-614-9889
Email: wurzbachtower@gmail.com

NOTICE,
INSPECTION OF VOTING MEMBERS LIST

TO: WURZBACH TOWER COUNCIL OF CO-OWNERS INC.

FROM Dolores A Moseley Condo# 505

Delivered by Hand Delivery this the 8th day of April 2024, at 9:07
to Leslie at the courtesy desk located at 7701
Wurzbach Rd, San Antonio, Texas 78229

I am invoking my right to inspect and copy the list of voting members as explicitly stated in the Texas Business Code, Title 2, Chapter 22, Subchapter A., Section 22.158 in its entirety.

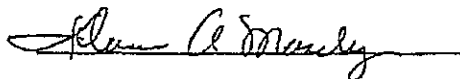
I am invoking my right to inspect the list for the purpose(s) of communication with other members concerning the meeting noticed for May 2024.

Please contact me, preferably by phone, to expedite my inspection within 24 hours to set up an appointment to view the list of voting members eligible to vote in the upcoming May 2024 annual meeting.

This written request is a demand to inspect, and at my expense subject to Section 22.351, copy the list at a reasonable time during the period the list is available for inspection.

Please inform me of the reasonable times when the list is available for inspection immediately.

Thank you,



Signature of Owner

Dolores A. Moseley

Printed Name of Owner

(210) 365-8893

Phone Number

EXHIBIT 5

From: Peter Kilpatrick
Sent: Wednesday, April 17, 2024 7:49 PM
To: Brady Ortego
Subject: RE: 7701 Wurzbach Tower Council of Co-Owners Inc.

You have GOT to be kidding.

My clients can't come to the front office for the limited purpose of inspecting and paying for the voter list per their right – because they are represented by counsel?!

For goodness sakes, no one is asking your client to talk to my client about the lawsuit.

Your response for the Association, which offers no cure, speaks volumes.

From: Brady Ortego <brady.ortego@steptoe-johnson.com>
Sent: Wednesday, April 17, 2024 7:00 PM
To: Peter Kilpatrick <pkilpatrick@langleybanack.com>
Subject: RE: 7701 Wurzbach Tower Council of Co-Owners Inc.

Good evening. No one contacted your clients because they are represented by legal counsel. As I have said before, assumptions do not convert to truth. Your demand regarding electioneering is vague at best. What resources?

Brady Ortego

Member

Steptoe & Johnson PLLC

O: 210-953-0596 C: 832-236-5734

From: Peter Kilpatrick <pkilpatrick@langleybanack.com>
Sent: Wednesday, April 17, 2024 5:40 PM
To: Brady Ortego <brady.ortego@steptoe-johnson.com>
Cc: Bob Miller <milldew811@gmail.com>; dan@danjudson.com
Subject: 7701 Wurzbach Tower Council of Co-Owners Inc.

7701 Wurzbach Tower Council of Co-Owners, Inc. c/o Mr. Ortego

My clients went to the biz office of the Association this morning at 10 am to inspect and get a copy of the voter list in accordance with the letter sent to you last Friday (attached). Incredibly, no one was there. No one was at the front desk. No one contacted my clients to ask them to make it 9 am or 11 am. My clients left a note. No one contacted my clients for the entirety of the rest of today to provide them the voter list. **Why?**

Demand is made that the Association deliver the requested list (lists if any change has been made since 2 days after the notice of the annual meeting) to my clients per my certified letter last week delivered by the Association. Perhaps Ms. Demain can use one of the staffers to deliver them to Mr. Miller and Mr. Judson in their units tomorrow. Or send to me by email. Please have this done tomorrow. Otherwise, my clients will assume the Association is refusing to head their requests for inspection and copy of the voter rolls as requested – and as

1
EXHIBIT 6

required by the Association under the Property Code - and that the Association is declining to cure its failure to provide same today.

Demand is further made that Ms. Demain cease improper electioneering using Association resources and personnel to solicit proxies. If she wants to campaign, it should be done on her own time and using her own resources. Demand is also made that all emails and texts by her to staffers and others soliciting proxies for her, and receiving proxies from others, be preserved and not destroyed.

Please advise asap whether the Association will agree to pull down the notice for the improper attempt to conduct an annual meeting 'by email' on May 8. Please kindly advise by tomorrow if such 'meeting' will be cancelled.

Peter Kilpatrick

Shareholder

BOARD CERTIFIED - Texas Board of Legal Specialization

Civil Trial Law



Langley & Banack, Incorporated
Attorneys and Counselors at Law

745 East Mulberry Avenue | Suite 700
San Antonio, TX 78212



711 Broadway, Suite 220
San Antonio, Texas 78215
210-953-1955
Fax 210-905-4256
www.step-toe-johnson.com

Writer's Contact Information
Brady.Ortego@StepToe-Johnson.com
210-953-0596

February 5, 2024

Via email: pkilpatrick@langleybanak.com
Peter L. Kilpatrick, Esq.
Langley & Banack, Inc.
745 East Mulberry, Suite 700
San Antonio, Texas 78212

Re: 7701 Wurzbach Tower Council of Co-Owners, Inc.

Dear Mr. Kilpatrick:

I am in receipt of your correspondence dated January 25, 2024 sent on behalf of Robert and Claudia Miller and Joseph D. Judson, Trustee of the Joseph D. Judson Living Trust dated May 26, 2022 (the "Correspondence").

Wurzbach Tower is currently looking into the concern regarding the Periodic Information Report and the management certificate, but we will need more time to review and confirm the need for action.

Regarding the recap of the meeting in late 2023, the stated facts are not consistent with what occurred. Given the extensive history of aggression, foul language, open carrying of firearms accompanied by veiled threats to use those firearms against directors, the Wurzbach Tower is reluctant to provide addresses, emails, and phone numbers of the directors; a decision supported by Chapter 82 of the Property Code as most recently amended. I assure you the source of any alleged "dysfunction" is not the directors of Wurzbach Tower. The aggression, foul language and veiled threats against the directors and employees of the Wurzbach Tower are the alpha and the omega of any alleged "dysfunction". So, spare me the lecture and the threat of receivership.

Sincerely,


STEPTOE & JOHNSON PLLC

A handwritten signature in black ink, appearing to read 'Brady Ortego', written over a horizontal line.

Brady Ortego
Member

West Virginia • Ohio • Kentucky • Pennsylvania • Texas • Colorado • Oklahoma

EXHIBIT 7


LANGLEY & BANACK
INCORPORATED
Attorneys and Counselors at Law
January 24, 2024

PETER L. KILPATRICK
BOARD CERTIFIED - CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION
E-MAIL: pkilpatrick@langleybanack.com

CERTIFIED MAIL No. 9414726699042209702322
RETURN RECEIPT REQUESTED
Mario Doyle, Registered Agent for
7701 Wurzbach Tower Council of Co-Owners, Inc.
7701 Wurzbach
San Antonio, Texas 78229

Re: Demand for compliance with the law regarding your reporting obligations; demand for documents to be notified of future meetings of the Board of Directors, and demand for certain records and documents under the law

Dear 7701 Wurzbach Tower Council of Co-Owners, Inc.

This law firm represents Robert and Claudia Milner (Unit 2305) and Joseph D. Judson, Trustee of the Joseph D. Judson Living Trust dated May 26, 2022 (Unit 2304). As such, they are mandatory members of 7701 Wurzbach Tower Council of Co-Owners, Inc., a Texas non-profit Corporation, "Association" herein.

The Association is chartered as a non-profit Texas corporation. Sec. 22.351 of the Texas Business Organizations Code relating to nonprofit corporations provides as follows: "Member's Right to Inspect Books and Records. A member of a corporation, on written demand stating the purpose of the demand, is entitled to examine and copy at the member's expense, in person or by agent, accountant, or attorney, at any reasonable time and for a proper purpose, the books and records of the corporation relevant to that purpose." The purpose of this demand by our clients is to monitor the actions and conduct of the Association in which our clients are mandatory members, and to ensure compliance with the law, as well as inquire into the condition of their Units as known by the Association. Any reference to a "meeting of the Board" below references any administrative plenary, plenary, planning, workshop, closed, regular, special or any other kind of meeting of the Board, including a majority of the Board, however characterized by the Board. The following documents must be provided.

1. Called plenary meeting, administrative meeting, regular meeting, workshop meeting, special meeting or any other kind of meeting of the Board, or a majority of the Board.
2. The most current management certificate issued by the Association.
3. A recorded copy of the management certificate, with any volume and page numbers thereon, with the Bexar County real property records.
4. The Declaration governing the property administered by the Association, and all amendments thereto.

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WWW.LANGLEYBANACK.COM

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4889-7476-2350, V. 1

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EXHIBIT 8

January 24, 2024
Page 2

5. A signed copy of the Bylaws of the Association with all amendments thereto
6. All notices issued for meetings of the Board of Directors of the Association ("Board herein), sent to any board members from January 1, 2022 to January 19, 2024.
7. All agendas to all meetings of the Board from January 1, 2022 to January 19, 2024.
8. All minutes of all Board meetings from February 1, 2021 to January 19, 2024.
9. All audio and video, if any, of all Board meetings from January 1, 2015 to January 1, 2020 that references the condition in any way of Units 2304 and 2305.
10. All audio and video, if any, of all Board meetings from January 2, 2020 through January, 2024.
11. All notices and agendas issued by the Association for any annual or other membership meetings from January 1, 2022 to January 19, 2024.
12. All minutes of all membership meetings for the Association from January 1, 2022 thru January 19, 2024.
13. Any and all documents showing the full names and addresses and contact information for all members of the Board as of January 1, 2023.
14. Any and all documents showing the full names and addresses and contact information for all members of the Board as of January 19, 2024.
15. All association management agreements(a) between the Association and any management company or third party that was effective at any time from January 1, 2023 to date.
16. Any copying and production policy, if any, of the Association filed with the real property records of Bexar County, Texas
17. All communications ("communications" in this letter is any letter, memo, email, text, correspondence, or notes, whether in writing or any digital or electronic equivalent) by and between officers, directors and managers of the Association from January 1, 2015 through December 2022 with Simona Cuevas regarding in any way the condition in Unit 2304.
18. All communications ("communications" in this letter is any letter, memo, email, text, correspondence, or notes, whether in writing or any digital or electronic equivalent) by and between officers, directors and managers of the Association from January 1,

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January 24, 2024

Page 3

2015 through December 2022 with Viorola M. Malovshschl regarding in any way the condition in Unit 2305.

19. All communications ("communications" in this letter is any letter, memo, email, text, correspondence, or notes, whether in writing or any digital or electronic equivalent) by and between officers, directors and managers of the Association from January 1, 2021 through January 19, 2024 which mentions or references any of the following:
- Unit 2304
 - Unit 2305
 - Joseph D. Judson (or "Dan Judson")
 - Joseph D. Judson, Trustee of the Joseph D. Judson Living Trust
 - Robert Miller
 - Claudia Miller
 - Any discussions regarding the Board keeping identities of board members secret from the public or membership.
 - Any police report(s) regarding any actual or alleged threats of assault or death on any member of the Association that is in your possession or control, including any current or former board member or officer of the Association
 - Any communications or documents characterizing, discussing or labeling any meetings as "administrative meetings" of the Board or
 - Any communications or documents planning any Board or membership meetings.
20. All communications by and between any officer, manager or director of the Board to any third party, including any agency or company or person, including any other members of the Association, and excluding only counsel to the Association) which mentions or references the following from January 1, 2021 through January 19, 2024:
- Unit 2304
 - Unit 2305
 - Joseph D. Judson (or "Dan Judson")
 - Joseph D., Judson, Trustee of the Joseph D. Judson Living Trust Council of Owners, Inc.
 - Robert Miller
 - Claudia Miller
 - Any discussions regarding the Board keeping identities of board members secret from the public or membership.
 - Any police report(s) regarding any actual or alleged threats of assault or death on any member of the Association that is in your possession or control, including any current or former board member or officer of the Association
 - Any communications or documents characterizing, discussing or labeling any meetings as "administrative meetings" of the Board or

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January 24, 2024
Page 4

- Any communications or documents planning any Board or membership meetings
21. The liability policies of the Association, including any general comprehensive and directors and officers liability policy, in effect at any time from January 1, 2023 through January, 2024,
 22. The audited financial records of the Association issued at any time from January 1, 2022 thru January 17, 2024,
 23. All resignations from any board members at any time from January 1, 2022 through January 17, 2024,
 24. All resolutions, minutes, Unanimous Consents or other documentation showing Board action appointing anyone to the Board to fill a vacancy at any time from January 1, 2022 thru January 17, 2024,
 25. All complaint(s) to you by Simona Cuevas, or her attorney, regarding water intrusion of any kind in Unit 2304, regardless of the date, as well as any and all responses by you or your attorneys to any such complaint.
 26. All complaint(s) to the Board or its management company by Viorela M. Malevschi regarding water intrusion of any kind in Unit 2305, regardless of the date, as well as any and all responses by you or your attorneys to any such complaint.
 27. The sign in sheet or other documentation showing the quorum was reached at the last meeting of the membership.
 28. All documentation, including audio and video recordings, memos and complaints that that in any way document that Mr. Judson has "engaged in a long history of disrespectful, rude, and provocative behavior" toward employees, officers and directors of the Association, and to any "neighbors" of Mr. Judson, as alleged in that letter of October 23, 2023 to Mr. Judson from attorney Brady Ortego for the Association
 29. All communications between the Association and Dan Judson or the Millers before their respective purchases (early 2020 as to the Millers and March 2022 as to Mr. Judson) regarding water issues in their units, including, without limitation, substantiation of attorney Ben Golden's representation in letter dated December 29, 2021 that Judson had been "informed about the water penetration before [he] purchased [his] unit and therefore had actual knowledge of [the] issue,"
 30. A copy of the fully executed settlement agreement in the lawsuit against the Association for which the cause number is 2018-CI-16434 in the 407th Judicial District Court of Bexar County, Texas.

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4888-7478-2360, v. 1

January 24, 2024
Page 5

31. All insurance applications and applications for renewals by the Association from January 1, 2021 to date,
32. All contractor bids, reports, engineering reports and expert assessments of the condition of the building that includes on 23rd and/or 24th floor, from January 1, 2015 to date,
33. All reports, assessments and evaluations of the property of the Association from Amanda Nogay from January 1, 2021 through January 19, 2024,
34. All Building Code violations received by you from the City of San Antonio or any agency of said City regarding the condition of the building in any way regarding the 23rd and 24th floor,
35. All resale certificates issued by or on behalf of the Association in connection with the sale of Units 2304 and 2305 from January 1, 2015 through 2022,
36. Regardless of which unit, the first resale certificate issued by or on behalf of the Association in 2017,
37. Regardless of which unit, the first resale certificate issued by or on behalf of the Association in 2018,
38. Regardless of which unit, the first resale certificate issued by or on behalf of the Association in 2019,
39. Regardless of which unit, the first resale certificate issued by or on behalf of the Association in 2020,
40. Regardless of which unit, the first resale certificate issued by or on behalf of the Association in 2021,
41. Regardless of which unit, the first resale certificate issued by or on behalf of the Association in 2022,
42. Regardless of which unit, the first resale certificate issued by or on behalf of the Association in 2023
43. Regardless of which unit, the first resale certificate issued by or on behalf of the Association in 2024,
44. Any complaint to the Association of any kind of water intrusion event or leak in any other unit on the 23rd floor from January 1, 2021 to January 19, 2024,

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4888-7478-2350, v. 1

January 24, 2024
Page 6

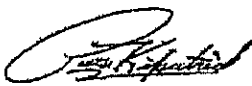
- 45. The budget of the Association for 2023 and 2034,
- 46. Any and all financial statements from January 1, 2022 to date.
- 47. All election result tallies (not revealing how any member voted) from January 1, 2020 to date regarding board members being elected to the Board of the Association from January 1, 2020 to date.
- 48. All supporting documents, expenditures and records of the Association that that supports the following statement by Dean Dobson, board member and Treasurer of the Association in a writing of April 28, 2023: "one item you may have noticed in the presentation this year is that incivility among the residents has cost all of us approximately \$100,000 in the past year."

As a courtesy, later today or tomorrow I intend to finalize and issue a separate letter to the Association in care of Mr. Ortego and will also send Mr. Ortego a copy of this letter in the event he still represents the Association, and you wish to seek counsel from him regarding your response to this matter,

Thank you for your attention to these important matters to Mr. Judson and the Millers.

Sincerely,




LANGLEY & BANACK, INC.



PETER L. KILPATRICK

cc: Clients
Brady Ortego

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4888-7478-2350, v. 1

Return Receipt (Form 3811) Barcode		COMPLETE THIS SECTION ON DELIVERY	
		A. Signature 	<input type="checkbox"/> Agent
9590 9266 9904 2209 7023 32		B. Received by (Printed Name) 	<input type="checkbox"/> Addressee
		C. Is delivery address different from item 1?	<input type="checkbox"/> Yes
		If YES, enter delivery address below:	<input type="checkbox"/> No
1. Article Addressed to: Brady Ortego Stephens & Johnson, PLLC 711 Broadway, Suite 220 San Antonio, TX 78215		3. Service Type: <input checked="" type="checkbox"/> Certified Mail	
2. Certified Mail (Form 3800) Article Number 9414 7266 9904 2209 7023 39		Reference Information 00136.0004 - Judson PLK/imp	
PS Form 3811, Facsimile, July 2016		Domestic Return Receipt	

LANGLEY & BANACK
INCORPORATED

PETER L. KILPATRICK
BOARD CERTIFIED - CIVIL TRIAL LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

Attorneys and Counselors at Law

E-MAIL: pkilpatrick@langleybanack.com

February 27, 2024

CERTIFIED MAIL No. 9414716699042153514217

RETURN RECEIPT REQUESTED

Marie Doyle, Registered Agent for
7701 Wurzbach Tower Council of Co-Owners, Inc.
7701 Wurzbach
San Antonio, Texas 78229

Dear 7701 Wurzbach Tower Council of Co-Owners, Inc.:

This law firm represents Robert and Claudia Miller (Unit 2305) and Joseph D. Judson, Trustee of the Joseph D. Judson Living Trust dated May 26, 2022 (Unit 2304). As such, they are mandatory members of 7701 Wurzbach Tower Council of Co-Owners, Inc., a Texas non-profit Corporation, "Association" herein.

The Association is chartered as a non-profit Texas corporation. Sec. 22.351 of the Texas Business Organizations Code relating to nonprofit corporations provides as follows: "Member's Right to Inspect Books and Records. A member of a corporation, on written demand stating the purpose of the demand, is entitled to examine and copy at the member's expense, in person or by agent, accountant, or attorney, at any reasonable time and for a proper purpose, the books and records of the corporation relevant to that purpose." The purpose of this demand by our clients is to monitor the actions and conduct of the Association in which our clients are mandatory members, and to ensure compliance with the law, as well as inquire into the condition of their Units as known by the Association. Any reference to a "meeting of the Board" below references any administrative plenary, plenary, planning, workshop, closed, regular, special or any other kind of meeting of the Board, including a majority of the Board, however characterized by the Board. The following documents must be provided.

1. Any confidentiality agreement signed by and between any member of the Board of Directors of the Association.
2. Any policy regarding capture or use of any audio using any security or camera system in the building operated by or for the benefit of the Association.
3. Any video capture of either of my clients from January 1, 2023 to date that has been shared with or viewed by any member of the Board of Directors.
4. All notices issued for meetings of the Board of Directors of the Association ("Board" herein), sent to any board members from January 20, 2024 through March 4, 2024.
5. All agendas to all meetings of the Board from January 20, 2024 through March 4, 2024.

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EXHIBIT 9

February 27, 2024
Page 2

6. All minutes of all Board meetings from January 20, 2024 through March 4, 2024.
7. All audio and video, if any, of all Board meetings from January 20, 2024 through March 4, 2024.
8. All communications ("communications" in this letter is any letter, memo, email, text, correspondence, or notes, whether in writing or any digital or electronic equivalent) by and between officers, directors and managers of the Association from January 20, 2024 through March 4, 2024.
9. All communications ("communications" in this letter is any letter, memo, email, text, correspondence, or notes, whether in writing or any digital or electronic equivalent) by and between officers, directors and managers of the Association from January 20, 2024 through March 4, 2024 which mentions or references any of the following:
 - Unit 2304
 - Unit 2305
 - Joseph D. Judson (or "Dan Judson")
 - Joseph D. Judson, Trustee of the Joseph D. Judson Living Trust
 - Robert Miller
 - Claudia Miller
 - Any discussions regarding the Board keeping identities of board members secret from the public or membership.
 - Any police report(s) regarding any actual or alleged threats of assault or death on any member of the Association that is in your possession or control, including any current or former board member or officer of the Association
 - Any communications or documents characterizing, discussing or labeling any meetings as "administrative meetings" of the Board or
 - Any communications or documents planning any Board or membership meetings.
10. All communications by and between any officer, manager or director of the Board to any third party, including any agency or company or person, including any other members of the Association - excluding only counsel to the Association - which mentions or references the following from January 20, 2024 through March 4, 2024:
 - Unit 2304
 - Unit 2305
 - Joseph D. Judson (or "Dan Judson")

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February 27, 2024
Page 3

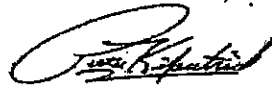
- Joseph D., Judson, Trustee of the Joseph D. Judson Living Trust Council of Owners, Inc.
- Robert Miller
- Claudia Miller
- Any discussions regarding the Board keeping identities of board members secret from the public or membership.
- Any police report(s) regarding any actual or alleged threats of assault or death on any member of the Association that is in your possession or control, including any current or former board member or officer of the Association.
- Any communications or documents characterizing, discussing or labeling any meetings as "administrative meetings" of the Board or
- Any communications or documents planning any Board or membership meetings.

I am sending this by certified mail as required to the Association's registered agent. However, I am also copying Mr. Ortego as a courtesy.

Thank you for your attention to these important matters to Mr. Judson and the Millers.

Sincerely,

LANGLEY & BANACK, INC.



PETER L. KILPATRICK

cc: Clients

Brady Ortego – VIA CERTIFIED MAIL No. 9414726699042142548773
RETURN RECEIPT REQUESTED

L & B 00136/0999/L0093565.DOC/
4855-0800-1321, v. 1

Peter Kilpatrick

Subject:

Attachments: Dem to Condo Assoc for docs for Judson and Millers - with signed CMRRR card
4858-1202-5249-1.pdf

NdAttachmentsInfo:

[{"AttachmentName": "Dem to Condo Assoc for docs for Judson and Millers - with signed CMRRR card
4858-1202-5249-1.pdf", "NdDocumentsInfo": [{"DocumentId": "Q23:p1:d3:~240129110917254.nev"]
1", "LocationId": null, "LocationName": null, "LocationContainerType": null}]}

From: Peter Kilpatrick

Sent: Wednesday, March 6, 2024 11:30 PM

To: brady.ortego@staptoe-johnson.com

Subject: 7701 Wurzbach Tower Council of Co-Owners, Inc - document production

Dear WTBOC c/o Mr. Ortego,

As you know, we represent several owner/members at 7701 Wurzbach Tower. Consistent with the apparent failure of the association to follow the law in many respects this last year or so with regard to governance, open meetings, and properly holding board meetings and annual membership meetings, your document production on March 4 was woefully inadequate.

You produced documents we did not request, and you did not provide documents and communications we clearly requested. Not a single notice to a board member for a board meeting. Not a single email from one board member to the other regarding board business.. No management certificate until produced late after 5 inquiries regarding same. Other deficiencies. No notices to board members on the calling of any board meetings last year. Nor of any notice for the board to meet at anytime in 2024; yet the Board made some kind of decision in '24 to affix notices to the doors of over a hundred units designed to alienate some of our clients among the residents on Feb 29, 2024, which flyer or notice was from the Board of Directors – and which, importantly, you did not produce and which I independently learned of today.

No police reports, memos, or anything supporting the concerns for board member's safety that was used an ineffective argument as to why prior board member identifies were not previously provided when requested in late 2023. Therefore, unless provided by this Friday, we will therefore assume there IS NO SUCH DOCUMENTATION responsive to such items.

No notice has been sent to my clients for any board meeting to date in 2024 as previously requested. As you know or should know, a quorum of the Board cannot just meet in secret in person or over the phone or go to executive session without it being incident to a validly-called open board meeting, and without a proper basis under the law for going into executive session. Look, our clients recognize that volunteering on a Board can sometimes be a challenging task. Our clients are not asserting that every member who purports to be on the Board is acting in bad faith, but there is apparently a controlling cabal on the Board that seems to lead it whose conduct to our clients seem to be very questionable under the law. If necessary, our clients will take legal steps to insure that your "Star Chamber" secretive and furtive approach to governance of the Building, and lack of transparency to the membership (even withholding identifying WHO is on your board per a meeting with some members late last year at which Ms. Demain spoke and claimed the membership is not entitled to know who its board members are because of non-specific safety concerns) – is over.

Please also cease and desist your efforts to alienate our clients from the membership as if they are out to destroy their community. Our clients want accountability, transparency, and governance by its association's leaders of this non-profit so as to be compliant with the law.

Of the 48 items in my letter of January 24, 2024, a copy of which I am attaching for your convenience, what items in my letter requesting documents are you withholding asserting a legal basis to withhold? By definition we did not seek anything that would be attorney client privilege. And what items are you saying there are no documents to provide? Based on your cryptic response below, we cannot discern whether, as to many categories, whether there are no documents at all, or whether there are documents you are withholding under some kind of unstated objection or assertion of privilege. As to items for which you are not providing documents based on a privilege or some kind of legal justification recognized in law, please identify the alleged privilege or legal justification asserted as to each category for which you have records but have elected against producing same. Please provide the information requested by noon on Friday, March 8, 2024. And please belatedly produce all of the rest of the requested documents and communications by noon on Friday, March 8, 2024.

Peter Kilpatrick
Shareholder
BOARD CERTIFIED - Texas Board of Legal Specialization
Civil Trial Law



Langley & Banack, Incorporated
Attorneys and Counselors at Law
745 East Mulberry Avenue | Suite 700
San Antonio, TX 78212

Phone (210) 736-8800
Direct Dial (210) 253-7181
Mobile (210) 601-0055
Fax (210) 735-8889

website | bio | vCard | LinkedIn | map | email

San Antonio | Eagle Pass | Karnes City | Castroville | New Braunfels | Fredericksburg | Kerrville



IN MERITAS® LAW FIRMS WORLDWIDE

This email may contain confidential and privileged material for the sole use of the intended recipient; any other use is prohibited. If you are not the intended recipient, please contact the sender by reply email and delete all copies of this message.

From: Ann Davis <Ann.Davis@Steptoe-Johnson.com>
Sent: Monday, March 4, 2024 3:27 PM
To: Peter Kilpatrick <pkilpatrick@langleybanack.com>
Cc: Brady Ortego <Brady.Ortego@Steptoe-Johnson.com>
Subject: RE: 7701 Wurzbach Tower Council of Co-Owners, Inc

Mr. Kilpatrick,

The responsive documents not subject to an exception that exist produced by the 7701 Wurzbach Tower Council of Co-Owners, Inc. have been uploaded to ShareFile. The link to the documents will be sent to you via a separate email.

Thank you,

Ann Davis
LAA/Paralegal/Office Manager
Step toe & Johnson PLLC
The Soto
711 Broadway, Suite 220
San Antonio, Texas 78215
O: 210-953-0637

Ann.Davis@step toe-johnson.com
www.step toe-johnson.com

From: Brady Ortego <Brady.Ortego@Steptoe-Johnson.com>
Sent: Thursday, April 4, 2024 12:11 PM
To: Peter Kilpatrick <pkilpatrick@langleybanack.com>
Cc: Ann Davis <Ann.Davis@Steptoe-Johnson.com>
Subject: RE: 7701 Wurzbach Tower Council of Co-Owners, Inc - document production

I did not hear back from you regarding an offer for a conference call. I understand from my client, the estimated costs for production in relation to the most recent request is \$36.00. The client requests payment of these charges prior to production. If you remain interested in conferring, my offer for a conference call stands. Thanks.

Brady Ortego
Member
Steptoe & Johnson PLLC
O: 210-953-0596 C: 832-236-5734

EXHIBIT 11



The Soto
711 Broadway, Suite 220
San Antonio, Texas 78215
www.stepto-johnson.com

Writer's Contact Information
Brady.Ortego@Stepto-johnson.com
210-953-0596

April 11, 2024

*Via email: pkilpatrick@langleybanak.com
And USPS*

Peter L. Kilpatrick, Esq.
Langley & Banack, Inc.
745 East Mulberry, Suite 700
San Antonio, Texas 78212

Re: 7701 Wurzbach Tower Council of Co-Owners, Inc.

Dear Mr. Kilpatrick:

Further to my letter of March 15, 2024, 7701 Wurzbach Tower Council of Co-Owners, Inc. ("Wurzbach Tower") has further reviewed its books and records and has no further responsive documents. Therefore, we are returning Check No. 135554, dated April 5, 2024, in the amount of \$36.00.

Sincerely,

STEPTOE & JOHNSON PLLC

A handwritten signature in dark ink, appearing to read 'Brady Ortego', written over a horizontal line.

Brady Ortego
Member

West Virginia • Ohio • Kentucky • Pennsylvania • Texas • Colorado • Oklahoma

Langley & Banack, Incorporated

Operating Account

745 E. Mulberry, Suite 700

San Antonio, TX 78212

(210) 736-8800

Bank of San Antonio

San Antonio, Texas

30-236471140

135554

Date: April 5, 2024

Pay: Thirty-six and 00/100


\$ ***36.00***


PAY TO THE ORDER OF:

Wurzbach Tower Council of Co-Owners

Memo: cost for production

VOID AFTER 90 DAYS





⑈ 135554⑈ ⑆ 114025641⑆ 0000034165⑈

Security Features Included
Deposit on back



7701 Wurzbach Tower Council of Co-Owners, Inc. (the "Council") has been named as a defendant in the following lawsuit regarding a real estate transaction that occurred 5 years ago. The Cause Number of the lawsuit is 2013-CI-22524 and is filed in the 224th Judicial District of Bexar County, Texas (the "Lawsuit").

Joseph D. Judson, individually and as Trustee of the Joseph D. Judson Living Trust Dated May 26, 2002, Robert Miller and Claudia Miller v. Simona Cuevas, Viorola M. Malevych, Hinkan, Cinaroglu, Kuper Realty Holding Company, LLC, and 7701 Wurzbach Tower Council of Co-Owners, Inc.

If any of our neighbors have specific questions about the lawsuit, the Board of Directors (the "Board") suggests you obtain copies of the pleadings and anything that may be filed in the lawsuit through Bexar County as the lawsuit is a matter of public record. We have informed our insurance carrier, our insurance deductible of \$10,000 has been paid, our carrier assigned defense counsel and we are working with our corporate counsel as well in relation to navigating the aspects of the litigation that may not be covered by the defense policy.

The Board and staff implemented many approaches to either reason with those that filed the lawsuit and/or reduce the need for legal action. Regardless of our efforts, actions have been taken against the Council. The consequences to our neighbors will be realized in the form of increased assessments, higher insurance premiums and deductibles.

The Board has all the powers, duties, and responsibilities to make decisions regarding the operations of the building.

The Board is properly managing the property as a volunteer organization. We are fortunate to be self-managing, as this is one of the most cost-effective ways to manage funds. We will continue to defend and enforce the governing documents as it aligns with the state statute and preserve the tenets of our Council for the betterment of the community.

We encourage our neighbors to proceed with caution when it comes to engagement with those who may not have our community's best interest in mind. A select few intend to impede the operation of the building, promote a negative sometimes hostile social environment, and needlessly divert resources away from your building and your community. We encourage our neighbors to reach out in writing to the Board if there are any questions or concerns about the lawsuit, or level of civility in our community.

Thank you for your support,
Wurzbach Tower Board of Directors

Proprietary and Confidential
WURZBACH TOWER
7701 Wurzbach Road | San Antonio, Texas 78219
210-614-9858 | 210-614-9859

EXHIBIT 12



The Solo
711 Broadway, Suite 220
San Antonio, Texas 78215
www.step-toe-johnson.com

Walter's Contact Information
Betsy.Orraga@step-toe-johnson.com
210-953-0596

October 23, 2023

Via Email: dan@danjudson.com

Via CMRRR: 9314 7699 0430 0113 4727 22

Dan Judson
Wurzbach Tower
7701 Wurzbach Road, Unit 2304
San Antonio, Texas 78229

Re: 7701 Wurzbach Tower Council of Co-Owners, Inc.

Dear Mr. Judson:

Our law firm represents the 7701 Wurzbach Tower Council of Co-Owners, Inc. (the "Council"). For any and all future matters in relation to the Council, I will be the point of contact. Please refrain from contacting the Council, the Board of Directors (the "Board") of the Council, or the employees of the Council.

I am aware of an extensive history of interactions and correspondence with the Council involving Unit 2304 (the "Unit"). I write to tell you the Council accepts your statement that the Unit's alleged "rainwater intrusion" issue is resolved. You state there is no damage to the Unit, and the issue is fixed. Thus, the Council considers the Unit's "rainwater intrusion" issue closed.

I am also aware of a long history of disrespectful, rude, and provocative behavior you exhibited toward members of the Board, employees of the Council, and at times, your neighbors. Because of the extensive history of bad behavior, all communications from you should now be sent to my attention. The Council, the Board, and the employees, based on my advice, will no longer communicate with you, and will advise me of any attempts at communication.

The residents in the building, employees, and Board do not deserve the treatment received from you. It must stop so an overall enjoyment of living in the Wurzbach Tower may return.

I understand certain areas on your first-floor balcony of the Unit may have been modified by you or your contractors. Areas around the sliding glass doors and the lower portions of the walls abutting the balcony floor appear altered, modified, and certain aspects of these areas have been removed (vents or weep holes). The balcony and areas in question are a limited common element. Section 9.2.8 of the Amended and Restated Declaration expressly prohibits the alteration, construction, or removal of anything from the common elements without the prior written consent of the Board.

This correspondence serves as notice to you of your responsibility for repairs or damages that may occur to other units, common elements, or limited common elements resulting from the

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EXHIBIT 13

October 23, 2023

Page 2

unapproved alterations, modifications, and removal of certain aspects of the limited common element balcony of the Unit.

I trust the foregoing is clear and appreciate your cooperation.


Sincerely,

STEPTOE & JOHNSON PLLC

A handwritten signature in black ink, appearing to read "Brady Ortego", written over the printed name.

Brady Ortego
Member

WURZBACH TOWER



Proxy 2024

The undersigned, as an apartment owner of 7701 WURZBACH TOWER, appoints MARY DEMAIN (name), of 7701 Wurzbach Road (address), the in the City of San Antonio, County of Bexar, State of Texas, as proxy to attend the (annual or special) meeting, including all adjournments thereof, of the Council of Owners of 7701 WURZBACH TOWER held subsequent to the date here and until this proxy has been revoked.

MARY DEMAIN (name) has full power to vote and act for the undersigned according to the number of apartments on which the undersigned would be entitled to vote if personally present at the meeting, has full power to appoint a substitute proxy to vote and act for the undersigned, and has full power to revoke the appointment of the substitute proxy. The undersigned hereby revokes all prior proxies heretofore executed.

Signed this _____ day of _____, 202__.

MARY DEMAIN
Print name of person to whom proxy is assigned

Signature of owner

Address of apartment owner

2202
of unit(s) owned are listed here

Note: The Texas Non-Profit Corporation Act art. 2.19(b) provides that no proxy is valid for more than eleven months from the date of its execution, unless otherwise provided in the proxy.

WURZBACH TOWER | 7701 Wurzbach Road | San Antonio, Texas 78228
Phone: 210-614-9888 | 210-614-9889
Email: wurzbachtower@gmail.com

Exhibit
14

TEXAS SECRETARY of STATE
JANE NELSON

BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY

Filing Number: 61086501

Original Date of Filing: June 9, 1982

Formation Date: N/A

Tax ID: 17422314702

Duration: Perpetual

Name: 7701 WURZBACH TOWER COUNCIL OF CO-OWNERS, INC.

Address: 7701 WURZBACH ROAD
San Antonio, TX 78229-0000 USA

Entity Type: Domestic Nonprofit Corporation

Entity Status: In existence

Non-Profit: N/A

Type:

FEIN:

REGISTERED AGENT		FILING HISTORY	NAMES	MANAGEMENT	ASSUMED NAMES	ASSOCIATED ENTITIES	INITIAL ADDRESS
View Image	Document Number	Filing Type		Filing Date	Effective Date	Eff. Cond	Page Count
	4804629	Articles of Incorporation		June 9, 1982	June 9, 1982	No	4
	4804630	Articles Of Amendment		December 1, 1983	December 1, 1983	No	3
	4804631	Change Of Registered Agent/Office		December 28, 1983	December 28, 1983	No	1
	4804627	Change Of Registered Agent/Office		November 4, 1985	November 4, 1985	No	1
	4804628	Nonprofit Periodic Report		March 10, 1994	March 10, 1994	No	1
	62886190002	Change of Registered Agent/Office		June 15, 2004	June 15, 2004	No	2
	161494910001	Report Notice		February 27, 2007	February 27, 2007	No	1
	164161540002	Nonprofit Periodic Report		March 19, 2007	March 19, 2007	No	3
	491305340002	Change of Registered Agent/Office		July 22, 2013	July 22, 2013	No	2
	520914200001	Report Notice		December 23, 2013	December 23, 2013	No	1
	525174270002	Nonprofit Periodic Report		January 16, 2014	January 16, 2014	No	2
	982251240002	Change of Registered Agent/Office		July 7, 2020	July 7, 2020	No	2
	1299183170002	Change of Registered Agent/Office		October 27, 2023	October 27, 2023	No	N/A

Order

Return to Search

Instructions:

- To place an order for additional information about a filing press the 'Order' button.

EXHIBIT 15

Reports Unit
P.O. Box 12028
Austin, Texas 78711-2028



John Steen
Secretary of State

Office of the Secretary of State
PERIODIC REPORT - NONPROFIT CORPORATION

File Number: 61086501
Filing Fee: \$5

Page 1 of 2

1. The name of the corporation is: *(A name change requires an amendment; see Instructions)*
7701 WURZBACH TOWER COUNCIL OF CO-OWNERS, INC.

FILED
In the Office of the
Secretary of State of Texas

JAN 16 2014

Corporations Section

2. It is incorporated under the laws of: *(Set forth state or foreign country)*
Texas

NOTE: For items 3 through 7, strike through any incorrect information and type or print the new information in the area provided. If additional space is needed for item 6 and/or 7, include the information in an attachment to this form.

3. The name of the registered agent is:
Charles Liles

(Make changes here-cannot be entity named above):

4. The registered office address, which is identical to the business address of the registered agent in Texas, is:

7701 Wurzbach Road
San Antonio, TX 78229

(Make changes here-only use street or building address; see Instructions):

RECEIVED
SECRETARY OF STATE

JAN 16 2014

CLK 61
AUSTIN, TEXAS

5. If the corporation is a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated is:

(Make changes here-only use street or building address; see Instructions):

6. The names and addresses of all directors of the corporation are: *(A minimum of three directors is required.)*

(If additional space is needed, include the information as an attachment to this form for item 6.)

	<u>Name</u>	<u>Address</u>	<u>City/ State/Zip</u>
<i>H Miller</i>	Kenneth Shannon	7701 Wurzbach Rd	San Antonio, TX 78229
<i>William</i>	Richard Wheatley	7701 Wurzbach Rd	San Antonio, TX 78229
<i>Janita</i>	James Samuelson	7701 Wurzbach Rd	San Antonio, TX 78229
<i>Scott Avery</i>	Michah Harper	7701 Wurzbach Rd	San Antonio, TX 78229

Phone: 512-475-2705

Come visit us on the Internet @ <http://www.sos.state.tx.us/>
Fax: 512-463-1423

Dial: 7-1-1 for Relay Services

7. The names, addresses, and titles of all officers of the corporation are: (The offices of president and secretary must be filled, but both may not be held by the same officer.)

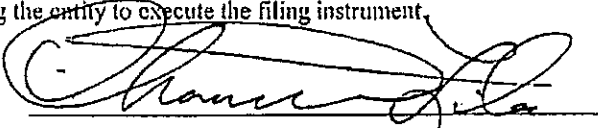
(If additional space is needed, include the information as an attachment to this form for item 7.)

<u>Name</u>	<u>Address</u>	<u>City/State/Zip</u>	<u>Title</u>
Kenneth Shannon Charles Liles	7701 Wurzbach Rd	San Antonio, TX 78229	President
Richard Wheatley Richard Armstrong	7701 Wurzbach Rd	San Antonio, TX 78229	Vice-President
James Samelson	7701 Wurzbach Rd	San Antonio, TX 78229	Secretary
Micah Harper Diane Pena	7701 Wurzbach Rd	San Antonio, TX 78229	Treasurer

Execution:

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: 1/07/2014


Signature of authorized officer

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Laura Pollard on behalf of PETER KILPATRICK
Bar No. 11416545
lpollard@langleybanack.com
Envelope ID: 87404345
Filing Code Description: Petition
Filing Description:
Status as of 5/6/2024 11:51 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
PETER LKILPATRICK		pkilpatrick@langleybanack.com	5/6/2024 11:01:18 AM	SENT
Laura Pollard		lpollard@langleybanack.com	5/6/2024 11:01:18 AM	SENT