

Alcocer Garcia Associates Design Consulting

1335 E. Jasmine Ave.
McAllen, Texas 78501
Off. 956-618-2007
Fax. 956-618-2008

F A X

Date: 3 - 14 - 07

To: Hidalgo County Purchasing Dept.

FAX: 318-2629

Attn: Juan Tapia

Project: Completion of Sheriffs Sub-Station Remodeling
Hidalgo County Courthouse
General Contractor: Jamail Construction

From: George Garcia, Architect

Number of pages : 2

Message: Attached is copy of Certificate of Partial Substantial Completion under the Finco contract. I will continue to look for the fully signed copy.

CERTIFICATE OF PARTIAL SUBSTANTIAL COMPLETION

Project: Sub-Station Remodeling
Hidalgo County Sheriff's Department
Edinburg, Texas

Owner: County of Hidalgo
Edinburg, Texas

Date of Issuance:
June 4, 2003

Contract Date:
July 24, 2002

Architect:
AGADC
1333 East Jasmine Avenue
McAllen, Texas 78501

General Contractor:
Finco Construction, Inc.
1615 West Expressway 83
Pharr, Texas 78539

Project or designated portion shall include the following:

Completion of Waiting Rms 1,2,3, 4, Control Rm, Consultation Rm and Staff Rm.

The Work performed under this Contract has been reviewed and found to be partially substantial complete. The Date of Partial Substantial Completion of this Project or portion thereof designated above is hereby established as *Wednesday, June 4, 2003*, which is also the date of commencement of applicable warranties required by the Contract Documents except as stated below.

Definition of Date of Partial Substantial Completion:

The Date of Partial Substantial Completion of the Work or designated portion thereof is the Date certified by the Architect when construction is sufficiently complete, in accordance with the Contract Documents, so the Owner can occupy or utilize the Work or designated portion thereof for the use which it is intended, as expressed in the Contract documents.

Alcocer Garcia Associates
Architect

By: Vicente Javala

Date 6-4-03

The General Contractor will complete or correct the Work on the list of Items attached hereto within TEN (10) days from the above Date of Partial Substantial Completion.

Finco Construction, Inc.
General Contractor

By: _____

Date _____

The Owner accepts the Work or designated portion thereof as substantially complete and will assume full possession thereof at 12:00 Noon (CST) on Wednesday, June 4, 2003.

County of Hidalgo
Owner

By: _____

Date _____

The responsibilities of the owner and the General Contractor for security, maintenance, damage to the Work and insurance shall be as follows:

The Owner will transfer all insurance coverage, and other related services at 12:00 Noon (CST) on Wednesday, June 4, 2003.

Website: www.atlashall.com
E-mail: info@atlashall.com

ATLAS & HALL, L.L.P.
ATTORNEYS AT LAW

P.O. BOX 3725 (78502-3725)
818 W. PECAN
MCALLEN, TEXAS 78501
TEL. (956) 682-5501 Fax (956) 686-6109

STARR COUNTY OFFICE
200 N. BRITTON AVE.
RIO GRANDE CITY, TEXAS 78582
TEL. (956) 488-1896
FAX (956) 488-6482

FAX COVER SHEET

Important: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive the communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the United States Postal Service. Thank you.

Please deliver the following pages to:

Name: Marty Salazar

Telefax Number(s): () 318-2629 **Confirmation:** () 318-2626

From: Rex N. Leach

Re: GALLEGOS VS. HIDALGO

Total Number of Pages (Including Cover Sheet): 4

Date: March 6, 2007

Sent by: sc

Time Sent: 4:58

DOCUMENT: **Letter with George McCarthy, Jr.'s, dated March 5, 2007.**

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (956) 682-5501.

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STARR COUNTY OFFICE
200 N. BRITTON AVE.
RIO GRANDE CITY, TEXAS 78152
TEL (956) 488-1896
FAX (956) 488-6482

March 6, 2007

Writer's Direct Number:
(956) 632-8285

Marty Salazar
PURCHASING AGENT
HIDALGO COUNTY ADMINISTRATION BUILDING
100 East Cano, 4th Floor
Edinburg, Texas 78539

Re: Cause No. CL-06-1128-A; Gallegos Electric, Inc. vs. Limon Masonry, Inc. and
County of Hidalgo, *et al*; In the County Court at Law Number 1 of Hidalgo County,
Texas

Dear Marty:

Enclosed you will find the latest correspondence from Redland's Insurance
Company's attorney. What have we determined on the \$5,104.83? Are we ready to
release that to Redlands?

If we are, I am going to tell Mr. McCarthy that we will send him \$5,104.83 in
exchange for a release of all claims. If he won't agree to that, we might as well hold on to
the \$5,104.83 if he is going to pursue a lawsuit anyway.

Let me know where we are on this matter.

Sincerely,

ATLAS & HALL, L.L.P.

By:

Rex N. Leach
Rex N. Leach
[Signature]

RNL/aec
Enclosure

VIA TELEFAX NO. 318-2629

George G. McCarthy, Jr. * Attorney-at-Law

4232 N I-35 – Denton, TX 76207 – 940-384-1189 – FAX 940-384-0349

March 5, 2007

Rex Leach, Esq.
Atlas & Hall, L.P.
PO Box 3725
McAllen, TX 78502-3725

FAX: (956) 686-6109
Regular Mail

RE: Claim No.:	BD 006781
Bond No.:	TEX 0011464
Principal:	Finco Construction, Inc. ("Finco")
Obligee:	County of Hidalgo ("the County")
Project:	Sub-Station Remodeling, Hidalgo County Sheriff's Department
Surety:	Redland Insurance Company ("Redland")
Subfile:	C

Dear Mr. Leach:

I acknowledge receipt of your facsimile of March 2, 2007. When is the County going to release the \$5,104.83, it is holding to Redland.

Second, Mr. Garcia failed to answer all of the questions contained in my letter to you of January 18, 2007, including why he certified the mechanical work as being one hundred (100%) percent done when he now states that he never got the A/C Testing and Balance Report and when the lack of said report was never noted on any of the punch lists prepared by Mr. Garcia's firm. Again, Mr. Garcia should be called upon to pay for the cost, \$5,675.00, of the report and for balancing the system.

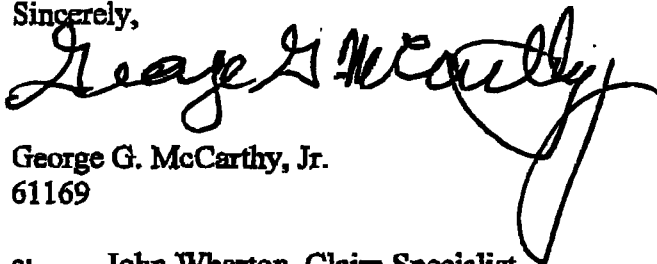
Also, Mr. Garcia has failed to clarify about the chiller versus refrigerant line. In addition, why did Mr. Garcia state that the fire marshall required an additional damper and that he asked Finco to submit a proposal to add the damper?

Also, I requested a copy of the original M-1 drawing for Finco's contract, which has not been provided.

Mr. Leach
October 27, 2006
Page 2

This letter, the providing of the Operation and Maintenance Manuals and asking Gallegos Electric to fix their punchlist items, which are accommodations by Redland for the County, are not intended to, nor are they to be construed as or interpreted as, waive any right, defense, interest, cause of action or remedy of Redland Insurance Company under the bonds, the statutes, including Chapter 2251 and Chapter 2253 of the Texas Government Code, the law, the contract, the contract documents or in equity; all said rights, defenses, interests, causes of action and remedies are hereby expressly reserved by Redland Insurance Company.

Sincerely,



George G. McCarthy, Jr.
61169

- c: John Wharton, Claim Specialist
- c: Mitchell D. Luedtke, CPCU
- c: Mr. Charles Brandenburg

File: 61169.3.7Leach.5

Website: www.atlashall.com
E-mail: info@atlashall.com

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RIO GRANDE CITY, TEXAS 78382
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Please deliver the following pages to:

Name: Marty Salazar

Telefax Number(s): () 318-2629

Confirmation: () 318-2626

From: Rex N. Leach

Re: GALLEGOS VS. HIDALGO

Total Number of Pages (Including Cover Sheet): 3

Date: March 2, 2007

Sent by: *RL*

Time Sent: 10:53

DOCUMENT: Letter to George McCarthy, Jr., dated March 2, 2007.

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (956) 682-5501.

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RIO GRANDE CITY, TEXAS 78582
TEL. (956) 488-1896
FAX (956) 488-6482

March 2, 2007

Writer's Direct Number:
(956) 632-8285

George G. McCarthy, Jr.
4232 North I-35
Denton, Texas 76207

Re: Claim No. BD 006781
Cause No. CL-06-1128-A; Gallegos Electric, Inc. vs. Limon Masonry, Inc. and
County of Hidalgo, *et al*; In the County Court at Law Number 1 of Hidalgo County,
Texas

Dear Mr. McCarthy:

In response to your most recent correspondence, enclosed is a copy of a letter from
George Garcia to Marty Salazar setting out the current status of funds regarding the project
in question.

If you have questions, please contact me.

Sincerely,

ATLAS & HALL, L.L.P.

By:

Rex N. Leach

RNL/aec
Enclosure

VIA TELEFAX NO. (940) 384-0349

Alcoccer Garcia Associates Design Consulting

1335 E. Jasmine Ave.
McAllen, Texas 78501
Off. 956-618-2007
Fax. 956-618-2008

F A X

Date: 2 - 23 - 07

To: Hidalgo County Purchasing Dept.

FAX: 318-2629

Attn: Martha Salazar, Purchasing Agent

Project: Completion of Sheriffs Sub-Station Remodelling
Hidalgo County Courthouse
General Contractor: Jamail Construction

From: George Garcia, Architect

Number of pages : 2

Message: Attached is copy of report on project expenditures.

W. SMT



February 23, 2007

Martha Salazar, Purchasing Agent
 Hidalgo County Purchasing Department
 100 E. Cano St., 4th Floor
 Edinburg, TX 78539

Via Fax: 318-2629 original in mail

Re: Sub-Station Remodeling, Hidalgo County Sheriff's Department
 Hidalgo County Courthouse, Edinburg, TX

Dear Ms Salazar,

Based on the County Auditor's office information and our files, the status of the expenditures for the project is as follows:

Original Finco Construction Contract Amount	\$ 414,900.00
Additions (Change Orders 1, 2, 3 & 4)	<u>93,702.10</u>
Contract amount after Change Orders	\$ 508,602.10
Less un-used Allowances	<u>\$ 2,386.75</u>
Adjusted contract amount	\$ 506,215.35
Less paid to Finco by County (as per County Auditor's Office)	<u>472,264.65</u>
Amount withheld from Finco Construction	\$ 33,950.70
Jamail Construction final contract amount	\$ 31,991.45
Less cost of work beyond Finco scope of work	<u>3,145.58</u>
Cost of Jamail work to complete Finco work	\$ 28,845.87
Amount withheld from Finco Construction	\$ 33,950.70
Less cost of completing Finco scope of work	<u>28,845.87</u>
Unused balance	\$ 5,104.83

George A. Garcia
 George A. Garcia
 Project Architect