

# WARNER, NORCROSS & JUDD

## ATTORNEYS AT LAW

900 OLD KENT BUILDING  
ONE VANDENBERG CENTER  
GRAND RAPIDS, MICHIGAN 49503-2489

TELEX: 226-415 WARCROSS GDR

TELECOPIER (616) 459-2170 & (616) 459-2611

TELEPHONE (616) 459-6121

## MUSKEGON OFFICE

COMERICA BANK BUILDING  
801 WEST NORTON AVENUE  
MUSKEGON, MICHIGAN 49441-4155  
TELEPHONE (616) 739-2297  
TELECOPIER (616) 733-1460

WILLIAM W. HALL  
RICHARD L. BOUMA  
BRUCE C. YOUNG  
SHANE B. HANSEN  
F. WILLIAM MCKEE  
LOUIS C. RABAUT  
DOUGLAS A. DOZEMAN  
JOHN V. BYL  
JANET P. KNAUS  
KATHLEEN M. HANENBURG  
MARK J. HENDERSON  
TRACY T. LARSEN  
SUE O. CONWAY  
SHEILA C. MCCARTHY  
STEVEN R. HEACOCK  
CAMERON S. DELONG  
WILLIAM J. BARRETT  
JEFFREY B. POWER  
SCOTT D. HUBBARD  
AMY S. KLEMM  
MARY LOU HOWARD  
STEPHEN B. GROW  
M. GAYLE ROBINSON  
MICHAEL ALLEN WEDDELL  
BRIDGET C. KEHOE  
MILES J. POSTEMA

DAVID W. GREEN  
TIMOTHY J. MCCLAIN  
GEORGE E. FRAZER, JR.  
DANIEL R. GRAVELYN  
RANDALL S. SCHIPPER  
MARK S. BRANSDORFER  
ROBERT J. JONKER  
AMY L. YOUNG  
DAVID L. KACZOR

## OF COUNSEL

CONRAD E. THORNUIST  
LAWSON E. BECKER  
LEONARD D. VERDIER, JR.  
PHIL R. JOHNSON  
CONRAD A. BRADSHAW

DAVID A. WARNER  
1883-1966  
GEORGE S. NORCROSS  
1889-1960  
SIEGEL W. JUDD  
1895-1982

HAROLD S. SAWYER  
HAROLD F. SCHUMACHER  
CHARLES C. LUNDSTROM  
THOMAS R. WINQUIST  
PAUL K. GASTON  
GEORGE L. WHITFIELD  
WALLSON G. KNACK  
CHARLES E. MCCALLUM  
JEROME M. SMITH  
JOHN D. TULLY  
R. MALCOLM CUMMING  
WILLIAM K. HOLMES  
ROGER M. CLARK  
EDWARD MALINZAK  
JOHN H. LOGIE  
DONALD J. VELDMAN  
JACK B. COMBS  
JOSEPH F. MARTIN  
THOMAS J. McNAMARA  
JAMES H. BREAY  
ROBERT H. SKILTON III  
ERNEST M. SHARPE  
VERNON P. SAPER  
HUGH H. MAKENS  
JOSEPH M. SWEENEY  
GORDON R. LEWIS

ROBERT J. CHOVANEC  
PETER L. GUSTAFSON  
ROGER H. OETTING  
J. A. CRAGWALL, JR.  
STEPHEN R. KRETSCHMAN  
W. MICHAEL VAN HAREN  
JON P. BACHELDER  
RICHARD A. DURELL  
MICHAEL L. ROBINSON  
EUGENE E. SMARY  
DOUGLAS E. WAGNER  
ROBERT W. SIKKEL  
THOMAS H. THORNHILL  
JEFFREY O. BIRKHOLO  
BLAKE W. KRUEGER  
JOHN G. CAMERON, JR.  
JOHN H. MCKENDRY, JR.  
PAUL T. SORENSEN  
CARL W. DUFENDACH  
JAMES F. BOSSENBROEK  
STEPHEN C. WATERBURY  
PATRICK E. MEARS  
RODNEY D. MARTIN  
RICHARD E. CASSARD  
ALEX J. DeYONKER  
JOHN D. DUNN

September 7, 1988

Mr. Sylvester Nemes  
Post Office Box 3782  
Bozeman, Montana 59772

Re: Modern Imaging

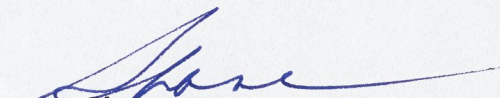
Dear Syl:

Enclosed is a copy of the letter I received from Mr. Jack B. Holwerda, attorney for Modern Imaging, regarding the dispute. As we discussed, and as reflected in the letter, Modern is offering to reshoot the art work for \$2,500, approximately half the original quoted cost. Their offer assumes that they will also be printing the book for the charges they quoted you earlier.

I would recommend that you follow up directly with Mr. Bissonette at Modern Imaging. When we talked, you indicated that you may not be ready to proceed with printing at this time. I would encourage you to make arrangements with Bissonette sooner rather than later while they remain amenable to the compromise.

Please call if you have any questions. Best wishes.

Sincerely,

  
Shane B. Hansen

ljr  
Enclosure



SEP 6 1988

JACK B. HOLWERDA

ATTORNEY AT LAW

SUITE 206 WATERS BUILDING

161 OTTAWA N. W.

GRAND RAPIDS, MICHIGAN 49503

AREA CODE 616  
TELEPHONE 454-4900

September 2, 1988

Mr. Shane B. Hansen  
Attorney at Law  
900 Old Kent Building  
One Vandenberg Center  
Grand Rapids, MI 49503

RE: Modern Imaging / S. Nemes

Dear Mr. Hansen:

Your letter of August 22 directed to Mr. Bissonette at Modern Imaging has been turned over to my office for response. In checking with Modern, I find that we disagree substantially in regards to the statements outlined in your letter.

Modern did complete a job for Mr. Nemes in 1981. As a result of that work, certain negatives were left by Mr. Nemes at Modern. He was informed at that time that Modern assumed no responsibility for the negatives and pursuant to their policy would only store them for two years following the end of the current calendar year unless contrary instructions were received. No instructions were received, nor was Modern notified of a change of address of Mr. Nemes from the Illinois address listed on the original invoice. Accordingly, the negatives were disposed of as a regular course of business.

It is Modern's position that they bear no responsibility in this matter as the negatives were left in their position by Mr. Nemes after he was appraised of the two year storage policy. Mr. Nemes did not keep Modern informed of any new address, nor did he convey any instructions as what to do with his abandoned film. If any negligence occurred in connection with the film, it was on the part of Mr. Nemes.

Modern specifically denies any responsibility for the destruction or loss of the negatives. In an effort to amicably resolve this matter, provided appropriate arrangements for printing the book can be agreed upon, Modern is willing to reshoot the available art work for \$2,500.00 as opposed to the original quote of \$4,943.50.

Sincerely,

  
Jack B. Holwerda

JBH/ah  
cc Modern Imaging