

From: John Bishop jb@dormie2.com
Subject: Drainage Issues on Carlton's Way (176 - 192)
Date: March 20, 2023 at 3:41 PM
To: Randy Hopmann rhopmann61@gmail.com, Steve Plybon steve@mpgeo.com



Gentlemen,

Over a month ago, I had a front yard discussion with the builder of 192 Carlton's Way next door (Darren Kirby) about drainage of that lot to mine and vice versa (I've maintained underground french drains to the adjacent lot for 19 years - without significant erosion). At this initial meeting, Mr. Kirby indicated that he planned to install drainage appropriate to the new construction, using the existing 15' easement between the lots (the easement straddles the property line, and is independent of the 15' setback line for both homes). We discussed the drain from Carlton's Way to the catchment pond on No. 9, and risk of water overrunning the drain box at the street in severe rain situations. He indicated he was prepared to address those drainage issues and was amenable to cooperating with me to re-direct or incorporate my existing drainage in a solution that protected both properties. I was reasonably satisfied that he was committed to doing the right thing at that time.

Subsequently, the rough grading around his construction resulted in incursion onto my lot, and occasional rain in the last month has buried two of my drainage outlets. Worse however have been 3 separate days in the last 2 months that caused severe erosion of his grading work and portions of the hillside on my property that I have been reinforcing with very large river rock over the years. Most of that rock has been dislodged and I've been removing it from the channel being formed between the lots - saving it for use later. I'm attaching a couple photos of the damage BEFORE the most recent 3" rain we received during that tornado evening last week.

I ran into Mr. Kirby a week ago when he was visiting the site (which isn't often), before this latest rainfall, and re-emphasized to him that his grading was not very effective keeping erosion at bay or protecting the lake from significant silting (which we reported to the Steves). I asked again about cooperation addressing an up-coming challenge of handling water from and onto both our lots that will not be solved with just "grading". His tone this time was completely different. He wasn't agreeing to anything anymore. He indicated his client wasn't interested in spending for any special drainage requirements and even suggested I shouldn't worry about it - just to run my drains onto his lot. Regardless of Mr. Kirby's personal situation(s), or the new owner's apparent reticence to approve efforts to protect their property from water, I'm still interested in doing so for my own protection. I'm writing this note to both of you in your capacity as members of the NCC and as guys who seem to be able to get things done - I'm alerting you again about drainage from Carlton's Way and encouraging you to help me encourage Mr. Kirby and the new owners to take the issue seriously too.

Regards,
John Bishop
176 Carlton's Way
(903) 570-8420

"If he's got golf clubs in his truck or a camper in his driveway, I don't hire him." Lou Holtz



From: randy hopmann rhopmann61@gmail.com
Subject: RE: Drainage Issues on Carlton's Way (176 - 192)
Date: March 21, 2023 at 9:57 AM
To: John Bishop jb@dormie2.com, Steve Plybon steve@mpgeo.com



Thanks for keeping us informed John. The CA will continue to monitor the erosion and storm water drain plans of the owner/builder next door to you. During construction is always the most sensitive time particularly for erosion. Thanks again.

Sent from [Mail](#) for Windows

From: John Bishop jb@dormie2.com
Subject: Re: Drainage Issues on Carlton's Way (176 - 192)
Date: April 27, 2023 at 12:01 PM
To: Randy Hopmann rhopmann61@gmail.com
Cc: Steve Plybon steveplybon@gmail.com



Just one month later now, and almost all of the big river rock which protected the slope at the east edge of my lot has been dislodged, two of the four 4" drains that were part of the French drain across the front of my house are buried in silt and the other two significantly above their original grade. The #9 pond is significantly fouled with erosion of construction fill, and unsuccessful silt fencing, now overrun or undermined. The first photo here is directly southward on the property line. The buried PVC pipes are in the foreground, the property line identified by the small red flag.

If the proposed monitoring you mention includes any evaluation of Mr. Kirby's efforts, it's obvious he's made no continuing efforts to protect his buyer's property or mine. Nor EBCC's property, which he's overrun with tons of silt. I'm not sure what you can do about this fiasco, but I haven't seen the builder around here for weeks, nor any of the CA monitoring described. I hope these photos clarify the issue a bit - that even reasonable efforts aren't being made.

I appreciate that anything can be fixed, but this is careless work and remedies are going to be more difficult (and expensive) than reasonable prevention might have been. I'm available at any time if you need me. Thank you.

John Bishop

The inevitable result of any golf lesson is the instant elimination of the one critical unconscious motion that allowed you to compensate for all your errors.



From: Steve Plybon steveplybon@gmail.com
Subject: Re: Drainage Issues on Carlton's Way (176 - 192)
Date: April 27, 2023 at 3:08 PM
To: John Bishop jb@dormie2.com
Cc: Randy Hopmann rhopmann61@gmail.com

SP

John,

I discussed this with the builder. As you know, we have had about 8 inches of rain in the month of April, with nearly 4 inches in the last 2 days. This has caused problems at most of the construction sites in Eagles Bluff. They need it to dry out before much can be done. Heavy vehicles would just get stuck in the mud, and cause worse damage.

I have discussed the mud in the lake you have referred to with the superintendent of the golf course. He was very aware of it and was not concerned about it, and feels that it can be easily cleaned up when they finish their construction. We have dealt with this kind of issue many times, including when the 9th tee box collapsed into the pond, as well as issues dealt with during the construction of the new pump house.

Thanks for the notice of the issue.

Steve

From: Randy Hopmann rhopmann61@gmail.com
Subject: Re: Drainage Issues on Carlton's Way (176 - 192)
Date: April 27, 2023 at 5:20 PM
To: John Bishop jb@dormie2.com
Cc: Steve Plybon steveplybon@gmail.com

RH

I reviewed the drainage in the entire community today after the recent high volume and high intensity rain event, construction sites included. Most construction site mitigation measures performed well considering storm intensity. There are a number of concerns that need to be addressed mostly with non-construction sites. We'll be making plans to address these concerns.

I did walk around the construction site by your home earlier today. The timing of this storm event and the sensitivity of the construction site with significant fill is terribly unfortunate, but certainly repairable.

The three installations of silt fence have captured a lot of silt and should be cleaned out when dry enough to get equipment to the back of the house.

Once the brick is installed (on site now) then gutters can be installed with drain pipes to the pond. This will make a big difference in future rain events as construction progresses.

Thanks for keeping us informed.

Sent from my iPhone

From: John Bishop jb@dormie2.com
Subject: Re: More drainage stuff - Carlton's Way street-to-pond
Date: April 28, 2023 at 9:22 AM
To: Randy Hopmann rhopmann61@gmail.com



Randy:

We asked and were prohibited from breaching that outflow pipe when preparing drainage for our home. Further, it may be impossible to make a secure connection that doesn't fail or force water backward when the outflow pipe is at full flow - it's about a third of the capacity of the inflow from the street box to which it's connected. (The country club built such a connection adjacent to the 9th cartpath for club drainage that blew itself apart - concrete, manhole and all - years ago.) I believe the guidelines once had a prohibition against what you're now suggesting is recommended. I'm losing hillside adjacent to my house, and have already lost almost all of the stone that was protecting it by a drainage intrusion on my property, so I'm up for whatever keeps a ground failure at bay. We were also prohibited from building a wall or retainer in the easement that straddles the property line, because it would sit directly above the outfall pipe - a plastic pipe - and it's an easement for a reason.

I may extend that black gutter drainage pipe a bit to enter the lake beyond the rip-rap - and keep it buried as much as possible.

Thanks for taking the time to respond. I'm sensitive about this because we did a lot of research and prep when selecting our lot 20 years ago and when building on it. Lot 6 was creekbed, and had buried fenceposts on the both sides of it, and an ancient abandoned wooden wagon that was exposed when they dug for the drainage infrastructure. We sit on the clay edge above that creekbed, and they're building a house IN IT right now.

John

1:39



2 People >

iMessage

Sat, Sep 23 at 11:44 AM

Darrin Kirby and Catherine Hayes have both previously committed to presenting a plan for drainage in the easement west of their construction. You guys have both committed to me that you will monitor that process to protect my property.

Fine grading has begun in the easement, which has NOT demonstrated any progress on the issue. I'm counting on you guys to get and help implement an approved drainage plan for this easement that protects both properties, HOA drainage requirements and EBCC pond assets. There has been no noticeable effort to this effect.

Thanks,
John Bishop



iMessage



1:41



Randy >



iMessage

Thu, Sep 28 at 11:49 AM

Sprinkler and drain contractor at Kirby site now. They have no instructions about cooperative drainage. Kirby told their boss he's not doing joint work.

Delivered

Thu, Sep 28 at 2:53 PM

That's good news their drain lines are being installed. Surely will help reduce erosion. You may need to make a deal with the contractor or find your own contractor to connect your lines to the storm drain pipe. The CA can not make an adjacent homeowner or their builder install drain pipe extensions on your property.



iMessage



Eagles Bluff Community Association, Inc.

RCVD 3/26/25

108 North Houston • • Bullard • TX • 75757 • Phone (903) 630-6355
<https://macgrouponline.cincwebaxis.com>

March 20, 2025

John Jr. Bishop
Marilyn Bishop
176 Carlton's Way
Bullard, TX 75757

RE: Eagles Bluff Community Association, Inc.

Friendly Reminder for 176 Carlton's Way

Dear John Jr. Bishop & Marilyn Bishop:

We are inspecting the properties within your community pursuant to the governing documents. These inspections are to alert homeowners about covenant violations so that they might be corrected. An inspection of your community occurred on 03/20/2025. It was noted that the following action(s) is necessary:

Exterior Maintenance

Please adjust your drainage to not drain on the lot next to you.

Per Section 3. Prohibited Conditions and Activities. The following shall be prohibited within the Properties:

(b) Structures, equipment or other items on the exterior portions of a Unit which have become rusty, dilapidated or otherwise fallen into disrepair;

As required by the covenants, please take the necessary action to correct this situation as soon as possible. This item will be escalated on March 30, 2025 if not corrected. Fines may be added if compliance is not met within 30 days from the date of this letter.

Thank you for your cooperation in this important matter. If you have any questions, please contact us at (903) 630-6355 or email your manager directly at Haley@rosecitymanagement.com. You can access a copy of your governing documents through the homeowner portal by going to <https://macgrouponline.cincwebaxis.com>.

Sincerely,

Haley Fears
Haley@rosecitymanagement.com
Management Agent for Eagles Bluff Community Association, Inc.

Military Notice: The owner of the lot, may be eligible for special rights or relief related to the enforcement action under federal law, including the Service Members Civil Relief Act (50 U.S.C. app. Section 501 et seq.), if the owner is serving on active military duty.

**John W Bishop Jr.
Marilyn G. Bishop
176 Carlton's Way
Bullard, TX 75757**

March 28, 2025

Haley Fears
Eagles Bluff Community Association, Inc.
108 N. Houston
Bullard, TX 75757

Dear Ms. Fears,

We are in receipt of your letter of March 20, 2025, received on 26 March, entitled "Friendly Reminder for 176 Carlton's Way", addressed to us jointly.

The letter, requesting drainage adjustments from our property, claiming enforceability under a questionable part of Section 3 (Prohibited Conditions and Activities) identifying "rusty, dilapidated, or otherwise fallen into disrepair" purports to require escalation two days from today if correction of drainage issues are not resolved. Further, the letter threatens fines if not resolved within 30 days of your letter.

We have worked since construction began on the home adjacent to ours, lot 6 at 194 Carlton's Way, (late 2022, early 2023) to effectively provide drainage for both properties to the pond on hole no. 9 of the golf course. We proceeded, with consensus of the owner, Catherine Hayes, and their builder, Darren Kirby, to plan a joint project, while their home was under construction, to merge existing drainage and proposed drainage to the lake. As that home reached completion, the owner and their builder backed out and graded their lot to bury our drainage relief outlets.

Our builder, Bob Kurtz, originally bid the neighbor's construction, and offered to perform all the necessary excavation to accomplish drainage in the 15' easement between our homes. When Kurtz lost or declined the business, Kirby continued to support joint work, until the owner indicated there was no money for drainage, and Kirby dropped that support.

Throughout the construction next door, contractors continued to grade their lot in such a way as to block natural drainage to the lake, and block our existing drainage. We asked, and received, assistance from Randy Hopmann, president of the Community Association, until we both found it impossible to deliver an immediate solution.

A joint meeting on April 1, 2024, of the developer (Steve Plybon), a representative from Rose City, myself (John Bishop), the neighbors (Catherine Hayes and Don Skelton), and Randy Hopmann, held in Mr. Plybon's office, resulted in a discussion of the issues and commitments for continued effort to resolve drainage issues, which we believe have not been caused by our redirection of water in any case. We did offer, however, to have our current backup drainage pipes partially re-routed and buried if we could find a contractor to do so at an affordable price. To-date, we have not convinced a suitable

drainage contractor to undertake work inside Eagle's Bluff community, but we continue to pursue that course. We're not capable of performing the work necessary ourselves, nor has the EBCA or its drainage committee seen fit to offer any assistance, to us or our neighbors. In fact, the only work the EBCA has done was to remove a baffle at the drainage exit to the pond and replace it with rip-rap, which has now been distributed into the lake and made the lake-side culvert less secure.

In summary, we continue to pursue answers. Our neighbors, having sited their home in a natural creek bed, have their own drainage difficulties that have carved deep channels through their front and back yards for water leaving their own property, fouling the lake. We would ask at a minimum that the Community Association allow us sufficient time to continue work on a solution, rescind the threats about compliance on such short official notice (2 days!), clarify what parts of the covenants really apply to this notice, and even perhaps encourage the Association help us find resources to address the challenges we are facing.

Sincerely,

John W Bishop Jr.

Marilyn G. Bishop

cc: Randy Hopmann
Marilyn Bishop

RCVD 5/24/25

Eagles Bluff Community Association, Inc.

108 North Houston • • Bullard • TX • 75757 • Phone (903) 630-6355
<https://macgrouponline.cincwebaxis.com>

May 21, 2025

John Bishop
Marilyn Bishop
176 Carlton's Way
Bullard, TX 75757

RE: Eagles Bluff Community Association, Inc.
for 176 Carlton's Way

| Dear John Bishop & Marilyn Bishop:

We are following up on our March 20th letter notifying you of a drainage violation on your property and fines if not corrected by April 30th. A subsequent inspection was conducted on May 20, 2025, indicating the drainage violation has not been resolved. It was noted that the following action(s) is necessary:

Exterior Maintenance

Please adjust your drainage to not drain on the lot next to you.

Use Restrictions 2 (l)

Obstruction or rechanneling of drainage flows after location and installation of drainage swales, storm sewers, or storm drains, except that the Declarant and the Association shall have such right; provided, the exercise of such right shall not materially diminish the value of or unreasonably interfere with the use of any Unit without the Owner's consent.

As required by the covenants, please take the necessary action to correct this situation as soon as possible. Per the first letter that was sent the violation and fine process has started on May 1, 2025, of \$100.00 a day until this is resolved. Your assessment account will continue to reflect this daily cumulative fine until the violation is resolved. Please notify our office once corrective action is complete.

Thank you for your cooperation in this important matter. If you have any questions, please contact us at (903) 630 - 6355 or email your manager directly at Haley@rosecitymanagement.com. You can access a copy of your governing documents through the homeowner portal by going to <https://macgrouponline.cincwebaxis.com>.

Sincerely,

Haley Fears
Haley@rosecitymanagement.com
Management Agent for Eagles Bluff Community Association, Inc.

Military Notice: The owner of the lot, may be eligible for special rights or relief related to the enforcement action under federal law, including the Service Members Civil Relief Act (50 U.S.C. app. Section 501 et seq.), if the owner is serving on active military duty.

From: John Bishop jb@dormie2.com

Subject: Letter Dated 21 May, 2025

Date: May 26, 2025 at 3:50 PM

To: Rose City Property Management, Inc. haley@rosecitymanagement.com

Cc: Marilyn Bishop marilyn@dormie2.com, Randy Hopmann rhopmann61@gmail.com, Steve Plybon steveplybon@gmail.com



Ms. Fears:

We are in receipt of your letter of 21 May re: Eagles Bluff Community Association, Inc. for 176 Carlton's Way - a follow-up to your 20 Mar (received 26 Mar) letter titled "Friendly Reminder for 176 Carlton's Way" to which we've previously responded.

What a shocking lack of consideration of our almost 2-year effort to recover from the damage of our home's drainage by a new neighbor. I have had discussions, informally and officially, with two separate home builders (Mr. Kurtz and Mr. Kirby) involved in planning and/or performing the construction at 192 Carlton's Way and drainage to the easement between the two properties. We have contacted Mr. Plybon and Randy Hopmann, president of the Association several times about promises to require and make available a drainage plan for that property by which we could coordinate the task at hand. I attended a meeting in the declarant's office with Ms. Hayes, Mr. Skelton, Mr. Plybon, Mr. Hopmann and a representative of Rose City at which everyone with thoughts on the issue spoke up.

Since that meeting, I requested of Mr. Hopmann some help evaluating whether the CA would allow breaching the existing 18" curb-to-lake drainage pipe in the easement, because when our home was constructed in 2004, doing so was prohibited. He indicated it was now allowed and visited my property to try locating the route of that pipe - without success, after which he sent me a note to proceed on my own. I also contacted two reputable contractors in the Tyler area to quote work to extend a drainage pipe consolidating two 4" white PVC low flow drain pipes and two non-operational black-plastic corrugated pipes into a drain directed to the impoundment pond on hole no. 9 of the Country Club. I've been ghosted by both. Since mid-January this year, I've been under medical care for an accidental injury and health issues that have prevented my full attention to a drainage issue that's doing no damage to anyone, but which I have promised to fix.

This recent letter of 21 May (received just two days before this writing) informing me about daily cumulative fines back to 1 May is just shocking. Even under the quoted terms of the Use Restriction, No "obstruction or rechanneling" of any drainage flow from my property has occurred - since 2004, when my home was first occupied. And even then, any grading and safety overflow was directed to the easement alone, where it belonged. Mr. Hopmann has recommended another contractor for me to contact, and I will do so when I am able to participate. I'm helpless to do more at the moment than ask for your, and the Association's, indulgence while I get this resolved.

Thanks for your consideration,

John Bishop
176 Carlton's Way
Bullard, TX 75757

John W. Bishop
<mailto:jb@dormie2.com>
(903) 570-8420 mobile
(903) 825-2433 home (LL)
(903) 253-0729 (office - mach. answ. 24//7)
X: JohnBishopJr

From: Haley Fears haley@rosecitymanagement.com

Subject: RE: Letter Dated 21 May, 2025

Date: May 27, 2025 at 3:00 PM

To: John Bishop jb@dormie2.com

Cc: Marilyn Bishop marilyn@dormie2.com, Randy Hopmann rhopmann61@gmail.com, Steve Plybon steveplybon@gmail.com



Good afternoon Mr. Bishop,

Thank you for the email response for the letter you received from the community association. We understand you have been working to find a vendor for this work. This issue has been going on for over a year now and needs to be resolved as soon as possible. Please keep us updated on the timeframe this work will be completed. The fines will be added daily until the work is completed.

Thank you,

Haley Fears

Property Manager
MAC Group Management Company
17130 Dallas Pkwy, Suite 140
Dallas TX 75248
Rose City Property Management
108 North Houston St.
Bullard, TX 75757

T (903) 630-6355 F (903) 630-6356

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**John W Bishop Jr.
Marilyn G. Bishop
176 Carlton's Way
Bullard, TX 75757**

June 8, 2025

Haley Fears
Eagles Bluff Community Association, Inc.
108 N. Houston
Bullard, TX 75757

Dear Ms. Fears,

This letter shall serve as notice that, effective 6 June 2025, easement drainage from our property at 176 Carlton's Way to the impound pond on Eagle's Bluff Country Club has been augmented by consolidation of two existing 4" PVC drains and two 4" black plastic drains on our property to the pond by a 6" plastic pipe, buried its entire length to the pond outlet. The pipe is primarily, when possible, buried within the margins of our property, with minor excursions of no more than 6", onto the property of 194 Carlton's Way and the owner there is aware of that routing. All available dirt and sod was replaced, or relocated, and we're currently undertaking further landscaping to make the route unrecognizable. The neighbor has indicated approval of the improvement.

Upon your inspection and approval, we request removal of assessment penalties and any liens or encumbrances posted against our account.

Thanks for your patience while we worked to address the drainage situation.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Bishop Jr.", with a large, stylized circular flourish on the left side.

John W Bishop Jr.

cc: Randy Hopmann
Marilyn Bishop

From: Randy Hopmann rhopmann61@gmail.com
Subject: Re: 176 Carlton's Way drainage project
Date: June 10, 2025 at 8:20 PM
To: John Bishop jb@dormie2.com
Cc: Marilyn Bishop marilyn@dormie2.com



Thank you John. We'll consider your request at our meeting next week. I or Haley will let you know if anything else is needed. Thanks again.

RCD 7/5/2025

Eagles Bluff Community Association, Inc.

108 North Houston • • Bullard • TX • 75757 • Phone (903) 630-6355
<https://macgrouponline.cincwebaxis.com>

July 1, 2025

John Bishop
Marilyn Bishop
176 Carlton's Way
Bullard, TX 75757

RE: Eagles Bluff Community Association, Inc.

for 176 Carlton's Way

Dear John Bishop & Marilyn Bishop:

We are following up with the letter we received from you on June 6, 2025, stating the drainage work for 176 Carlton's Way was completed. Thank you for your cooperation. Following careful consideration of the circumstances, relevant documentation, and applicable community covenants, conditions, and restrictions (DCCRs), the Board has determined that the fines will remain in place as originally assessed.

Please note the total amount due is \$3,700, and payment should be submitted no later than July 31, 2025. If payment is not received by this date, additional late fees or enforcement actions may apply in accordance with our governing documents.

Please advise if you would like to appeal to this matter with the Board of Directors please contact Haley Fears at Rose City to be placed on the executive agenda.

Thank you for your cooperation in this important matter. If you have any questions, please contact us at (903) 630-6355 or email your manager directly at Haley@rosecitymanagement.com. You can access a copy of your governing documents through the homeowner portal by going to <https://macgrouponline.cincwebaxis.com>

Sincerely,

Haley Fears
Haley@rosecitymanagement.com
Management Agent for Eagles Bluff Community Association, Inc.

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