February 15, 2005

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Mr. Richard Nettler
Robins, Kaplan, Miller & Ciresi, LLP
Suite 1200
1801 K Street, N.W.
Washington, D.C. 20006 .

Re: Phillips Park LLC – 1201 Foxhall Road, N.W.

Dear Mr. Nettler,



After discussing this issue with our attorney, we have been advised that it is not in our best interest to sign your agreement dated February 11, 2005.

We would also like to remind you that the copyright for all work produced by Graham Landscape Architecture remains the property of Graham Landscape Architecture. I refer you to "Article 7 – Ownership and Documents" of our contract.

Article 7 Ownership of Documents

A. All instruments of professional service prepared by Graham Landscape Architecture, Inc., including, but not limited to, drawings and specifications, are the property of Graham Landscape Architecture, Inc., and these documents shall not be reused on other properties without Graham Landscape Architecture, Inc.'s written permission. Graham Landscape Architecture, Inc. retains all rights, including the copyright in its documents. The Client or others cannot use Graham Landscape Architecture, Inc.'s documents to complete this Project with others unless Graham Landscape Architecture, Inc. is found to have materially breached this Agreement.

Sincerely,

Jay Graham, FASLA
President

BZA
Case No. 17276
Exhibit No. 33

Board of Zoning Adjustment
District of Columbia
CASE NO. 17276
EXHIBIT NO. 33

MB Visnic, Inc.
1684 E. Gude Drive, Suite 102
Rockville, MD 20850
Phone: 301-309-6470
Fax: 301-309-8820
www.mbvisnic.com

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To: JEFFREY GRIFFAS
BOARD OF ZONING

From: TED VISNIC

Fax: 202-727-6072

Date: 2/15/05

Phone:

Pages: 2 (INCL COVER)

Re: GRAHAM LTR.

CC:

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