

Message0758	
Subject:	Re: Walker Units
From:	Cheryl Potashnik
Date:	4/26/2005 7:24:38 PM
To:	Deepak Sulakhe
Message Body	
<p>Brian did call CM Hill, and is waiting for a call back. What is the point of keeping it in any deals if it is moot? We have it in all our dchfc deals. How did we pick 1.1.05? Maybe it should be retro to the court order?</p> <p>-----</p> <p>Sent from my BlackBerry Wireless Handheld</p> <p>-----Original Message-----</p> <p>From: Deepak Sulakhe <DSulakhe@Southwesthousing.com></p> <p>To: Cheryl Potashnik <cpotashnik@Southwesthousing.com></p> <p>Sent: Tue Apr 26 19:19:50 2005</p> <p>Subject: RE: Walker Units</p> <p>Yes. That was the AGGIE way of asking you for a small favor!!</p> <p>Seriously, I just want to make sure that Brian conveys to Don that although the Walker Consent Decree was dissolved in August 2003 it was never removed from the DHFC financing documents. Additionally, our deals were underwritten with the assumption that the Walker requirement would be removed.</p> <p>-----</p> <p>From: Cheryl Potashnik [mailto:cpotashnik@Southwesthousing.com]</p> <p>Sent: Tuesday, April 26, 2005 7:13 PM</p> <p>To: Deepak Sulakhe</p> <p>Subject: Re: Walker Units</p> <p>What is it that you want me to do? Ask Brian to call Don Hill?</p> <p>-----</p> <p>Sent from my BlackBerry Wireless Handheld</p> <p>-----Original Message-----</p> <p>From: Deepak Sulakhe <DSulakhe@Southwesthousing.com></p>	

**GOVERNMENT
EXHIBIT
1053
3:07-CR-0289-M**

To: Brian Potashnik <BPotashnik@Southwesthousing.com>; Cheryl Potashnik <cpotashnik@Southwesthousing.com>
CC: Jack Potashnik <jpotashnik@Southwesthousing.com>
Sent: Tue Apr 26 19:11:04 2005
Subject: Walker Units

Cheryl:

I am not sure if Brian has had his conversation with CM Don Hill or not. In case he still has not, following is how I would argue:

1. The Walker Consent Decree was dissolved on August 12, 2003. The requirement to create a specified number of additional housing units affordable to low income families was eliminated.
2. Since no previous DHFC financed project asked that this now obsolete regulation be removed, it continued to be a vestigial restriction in the DHFC financing documents.
3. So when Scyene, Laureland and Cherrycrest were approved by the DHFC, the Walker Consent Decree was already dissolved and became technically meaningless.
4. The above was conveyed by us to the Housing Department prior to the DHFC's final approval of the Bonds. Housing stated that they would have to go to City Council to have this completely meaningless regulation removed and assured me that it was a routine process.
5. Housing will be going in front of City Council to have the WALKER UNIT requirement taken out of the DHFC documents ... but only for deals closing after April 27, 2005!! SO our deals are still stuck with this requirement.
6. The deals closed earlier this year have been underwritten WITHOUT the WALKER UNITS. Removing this requirement will help the financial viability of the project. The non-profits (Dallas Urban League, Bright III and HS) could use the additional cash-flow to provide comprehensive support services to residents. Removing this requirement is a win-win situation to the project, DHA, the respective non-profits and the developer.

7. Don Hill needs to make a motion to amend this requirement to make it retroactive starting Jan 1, 2005. Jack will talk to CM Leo Chaney as well.

If you have any questions or need more information, please call me. Note that the City Council hearing is tomorrow!! Time is of the essence.

Deepak

Outlook Header Information

Conversation Topic: Walker Units
Subject: Re: Walker Units
From: Cheryl Potashnik
Sender Name: Cheryl Potashnik
To: Deepak Sulakhe
Delivery Time: 4/26/2005 7:24:38 PM
Creation Time: 4/26/2005 7:24:38 PM
Modification Time: 4/26/2005 7:24:38 PM
Submit Time: 4/26/2005 7:24:38 PM
Importance: Normal
Sensitivity: Normal
Flags: 1 = Read
Size: 7501