

October 25, 2013

Mr. Martin Zummach
7125 Getwell Road, Ste. 201
Southaven, Mississippi 38671-0266

RE: Ted and Gale Dixon

Dear Mr. Zummach:

The law firm of Harris Shelton Hanover Walsh, P.L.L.C. represents Matt and Linda Baxter in connection with the ongoing noise nuisance issue at 3777 Westwood Cove, Memphis, Tennessee 38128. The Baxters are in receipt of your correspondence dated September 16, 2013 and in light of the Dixons' recent request for a resolution to the aforementioned issue, believe it appropriate that the situation is given some context.

The Baxters moved into their current home in June, 2010. Gale Dixon was the realtor for the seller and subsequently, the Baxters' neighbor. Mrs. Dixon showed the property to Baxters on several occasions before the Baxters decided to purchase the home. Although the Dixons owned and bred many dogs out of their home at that time, Mrs. Dixon did not fully disclose this information to the Baxters prior to their purchase of the home. Also, the Dixons' dogs were not outside or otherwise visible during any of the home showings. Within two weeks of purchasing and moving into the home, however, the Baxters discovered that the Dixons actually owned ten (10) dogs which the Dixons allowed to loudly bark constantly at all hours of the morning and night.

Over the past three (3) years, the Baxters have tried tirelessly to resolve this noise nuisance issue with the Dixons. Linda Baxter, an avid animal welfare advocate, has reached out to the Dixons on numerous occasions offering everything from one-on-one talks to mediation with the homeowner's association president. Mrs. Baxter has even gone so far as to offer to personally help train the dogs, pay for dog training, or pay for humane citronella spritz collars for all ten (10) of the Dixons' dogs. Every offer of conversation, mediation, and assistance, however, has been adamantly refused by the Dixons. In fact, in 2011 the Dixons gave the Baxters a letter stating that they "would not be changing the way they do things" in response to the Baxters' continued expressions of concern. The ongoing problem with the Dixons and Baxters reached a critical impasse when Mrs. Dixon reached out to an organization that Mrs. Baxter does animal volunteer work for, Meows &

BowWows, and slanderously accused Mrs. Baxter of animal cruelty. While the Dixons claim to have made effort to curtail the noise nuisance emanating from the Dixons' property, the situation has not improved in any material way. The Baxters have had no choice but to seek legal counsel to try and resolve this issue and gain the peace of mind they are entitled to as home owners.

The Baxters believe that the Dixons are possibly in violation of several City of Memphis Ordinances. Particularly, Memphis City Code Ordinance § 9-68-1, Noise Control, § 9-68-7, Noisy Animals and Fowl, § 8-16-2 Dog License Tags Required, and § 8-16-4, Kennel License Fees. Although, there may be ordinance violations at issue, the Baxters continue to desire an amicable resolution to the situation, if possible. Specifically, the Baxters request that the Dixons no longer allow their dogs to bark loudly and unattended outside for longer than ten (10) minutes without either making efforts to silence the dogs or taking them into the Dixon residence where the barking cannot be a nuisance to others. The Baxters also demand that the Dixons refrain from making baseless and slanderous accusations against them. Accusations such as the ones previously made by Mrs. Dixon are harmful to the Baxters' reputations and standing in the community and will not be tolerated or taken lightly.

The Baxters have not been able to fully enjoy their property, especially their lovely backyard, since moving in because of the constant noise nuisance. In addition to preventing the quiet enjoyment of their property, this constant noise nuisance has caused loss of sleep as well as stress and anxiety for the homeowners and their child, a young toddler. The Baxters believe that their requests are simple in nature and should be easy to implement consistently. Please contact me at 901-435-0147 to discuss real, concrete ways the Baxters can receive relief to this ongoing concern.

Sincerely,

HARRIS SHELTON HANOVER WALSH, PLLC

CSM/sld