


Re: Store 3252 St Paul, MN 
Paul Richards to: Seth Cryer
Cc: Fred M Wadle, MGR_OR3252

RECEIVED
JUL 18 2016
CITY CLERK

08/09/2012 12:58 PM

History: This message has been replied to.

My thoughts at this point are if we are under contract or negotiation to buy the property, I think we should wait. Although we do need to at least fill them before winter.

Thanks,
Paul Richards
District 130 Manager
651-336-2384,
prichards@oreillyauto.com

Seth Cryer Paul, I had a contractor out to look at the parkin... 08/09/2012 12:01:01 PM

From: Seth Cryer/OReilly
To: Paul Richards/OReilly@OREILLY, Fred M Wadle/OReilly@OReilly
Cc: MGR_OR3252
Date: 08/09/2012 12:01 PM
Subject: Store 3252 St Paul, MN

Paul,
I had a contractor out to look at the parking area situation and he has proposed two options. Please let me know if you have any questions.

- 1.) repair crater area:
 - dig out three pot holes
 - fill with asphalt millings
 - grade entire parking lot
 - roll/compact parking lot
- 2.) Entire parking area:
 - repair the three pot holes
 - fill with asphalt millings
 - cover entire parking lot with asphalt millings

Asphalt milling - ground up or shaved asphalt that is cured, rolled, creating an asphalt parking surface at 4" thick. Asphalt millings has an older parking lot appearance because it is recycled but is much less expensive than new asphalt.

Thank You
Seth Cryer
Regional MaintenanceCoordinator
O'Reilly Auto Parts - Real Estate Dept.
233 S Patterson, Springfield, MO 65801
scryer@oreillyauto.com
417-862-2674 ext 8966
417874-7153 Fax

— Forwarded by Seth Cryer/OReilly on 08/09/2012 11:53 AM —

From: Mark Marco <mark@marcoasphalt.com>
To: "scryer@oreillyauto.com" <scryer@oreillyauto.com>

Date: 08/08/2012 05:04 PM
Subject: Estimate #5 from Marco Asphalt

Hi,

Thank you for your business.

Your Estimate is attached to this email. If you are having trouble opening this document we recommend you install Adobe Reader

--

This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean. [attachment "Estimate #5.pdf" deleted by Paul Richards/OReilly]
[attachment "photo 1.JPG" deleted by Paul Richards/OReilly]

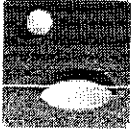
[attachment "photo 2.JPG" deleted by Paul Richards/OReilly]

[attachment "photo 3.JPG" deleted by Paul Richards/OReilly]

[attachment "photo 4.JPG" deleted by Paul Richards/OReilly]

[attachment "photo 5.JPG" deleted by Paul Richards/OReilly]

Mark Marco
Marco Asphalt Contractor
9402 Penn Ave S
Minneapolis, MN 55434
Phone (612)819-7770
Fax (952)884-7776
www.marcoasphalt.com
Mark@marcoasphalt.com



Re: Store 3252 St. Paul, MN

Robert Greene to: Seth Cryer, Charlie Downs, Scott Kraus, Ed
Randall, Camille Strickland

08/08/2012 09:06 AM

Cc: Mike Young, Liz Dugger

History: This message has been forwarded.

Ok, I'm still trying to figure out what is going on here. See if I have this right:

We currently lease this building but want to purchase it. However, the landlord has defaulted on their loan and the bank has foreclosed on the property and taken it back. We are dealing with the bank in an attempt to purchase the building and may or may not yet have a contract completed for a purchase price of \$570K and a 90 day due diligence period. But, according to the report attached below from Seth, this building has the brick facade pulling away from the wall which is causing problems ...and could present a significant liability risk if parts of it were to fall and hit a customer, TM or someone walking by. Since the bank now owns the property we are not sure if we want to bring this to their attention and request it be repaired now due to the fact that they may balk at doing it or it will have a negative impact on our ability to purchase the site.

Does that cover it?

If so, then we need to determine what to do regarding the required work to this building, which appears to be \$28,600. In my opinion we should notify the bank of what our investigation of the condition of the building has revealed and the cost to complete the repairs. The landlord under the terms of the lease (an old Big Wheel Rossi lease so it is a lousy document) is responsible for the structural repairs to the building, which this appears to fall under. Of course the Bank is probably not going to be too interested in sinking more money into this building...especially since they are trying to sell it. We could possibly offer to do the repairs and either reduce the purchase price by that amount **IF** we actually buy the building and property, **or** reduce the rent to offset the cost of repairs if we do not choose to purchase the building and continue to lease it. Either way, we need to put the LL on notice so that if something bad does occur due to the brick facade failing, the LL will be on the hook for the liability.

If I missed something or others have better thoughts or ideas please speak up! Thanks.

Robert L. Greene, Esq.
Director of Real Estate Legal Services
O'Reilly Automotive, Inc.
233 S. Patterson
Springfield, MO 65802
Ph. (417) 829-5716
Fax (417) 829-5726

Seth Cryer

Robert, Below is the evaluation and quote provi...

08/06/2012 09:21:01 AM

From: Seth Cryer/OReilly
To: Robert Greene/OReilly@OReilly, Mike Young/OReilly@OReilly
Date: 08/06/2012 09:21 AM
Subject: Store 3252 St. Paul, MN

Robert,
Below is the evaluation and quote provided by GM Northrup to repair the front of the building where the brick facade is failing. Per GM Northrup the block wall structure is sound and only the brick facade is

collapsing. I have instructed the sign department to remove the O'Reilly sign until permanent repairs can be made. If you have any questions please let me know.



O'Reilly - St. Paul, MN.pdf #3252 St. Paul, MN Brick removal and replacement 00 40 00 - Bid Form.pdf

Notes from phone conversation:

Substrate - Block Wall, appears to be solid and in good condition

Exterior - Brick Facade:

large portion pulling away from the wall. Brick ties may be failing or brick ties may have not been installed at the time of installation judging from the age of the building. Recommendation is to remove the upper portion of the brick facade to eliminate areas that have failed and address safety concerns. This is a 'plain sight' evaluation and may uncover more issues once repairs begin.

Thank You
Seth Cryer
Regional Maintenance Coordinator
O'Reilly Auto Parts - Real Estate Dept.
233 S Patterson, Springfield, MO 65801
scryer@oreillyauto.com
417-862-2674 ext 8966
417874-7153 Fax

Seth,

Here are the pictures, I'll call you in a minute to review.

The area is about 85' x 10' – that's a little tall, but I am not sure how far down it would have to come.

Zach Northrup
GM Northrup Corporation
15950 Franklin Trail SE
Prior Lake MN 55372
952-226-3090
zach@gmnorthrup.com



Store 3252 St. Paul, MN

Ed Randall to: Charlie Downs, Robert Greene, Scott Kraus

08/16/2012 11:47 AM

Cc: Seth Cryer, Wendi Page, Kathy Hammock, Emily Sindle, Liz Dugger,
Mike Young, Regina Tenney, Sandra Wilkinson, Camille Strickland

Charlie - Robert - Scott

Kathy has finally been able to connect with the bank in regards to this property and the condition of the fascia. Embedded below is the response to the default letter that was sent.

I finally got through to Bob Clerments at the bank, there are getting bids for the repairs and have every intention of getting the building repaired (his words) said he would get back with me when the bids were all in. He also wanted to know if we would be open to a reduced selling price to compensate for the repairs.

Once we have his bids, we will have to determine who we want to finalize the negotiations with the bank.

Kathy,

Once you receive the bids, let me know and then I will schedule a meeting for a smaller group to discuss how we proceed with finalizing any negotiations for the location. In regards to possibly reducing the sales price, let Bob know, that once we receive the bids, we are going to discuss and it is possible we would consider this, but want to review the bids first.

If anyone has any questions, please let me know.

Thanks, Ed

ONE TEAM MOVING FORWARD

Ed Randall
Director of Property Management
O'Reilly Auto Parts
Phone: 417-874-7138
Fax: 417-874-7112

This message is protected by the Electronic Communications Privacy Act, 18 USCS § 2510 et seq., and may not be used, copied or forwarded without the consent of the named recipient(s). The information contained in this message is confidential, is intended only for the use of the individual or entity named. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately at 417-874-7138.

Sandra Wilkinson Folks, not only do we have a building that's bric... 08/08/2012 01:36:33 PM

From: Sandra Wilkinson/OReilly
To: Charlie Downs/OReilly@OReilly, Mike Young/OReilly@OReilly, Seth Cryer/OReilly@OREILLY, Emily Sindle/OReilly@OREILLY, Regina Tenney/OReilly@OReilly, Scott Kraus/OReilly@OReilly, Robert Greene/OReilly@OReilly, Ed Randall/OReilly@OReilly, Camille Strickland, Liz Dugger/OReilly@OReilly
Cc: Sandra Wilkinson/OReilly@OReilly
Date: 08/08/2012 01:36 PM
Subject: Fw: Store 3252 St. Paul, MN

Folks, not only do we have a building that's brick facade is falling, we are now removing our building

signage (rightly so) and installing a temporary banner. The reduced signage is liable to have a major affect on our sales. I'm afraid customers are going to think the store is closed. I know PM and Legal are moving this forward as rapidly as possible, but since each additional day can affect our sales opportunities (as well as our liability), please let us know when we've come to a satisfactory agreement and the wall is repaired, and we will schedule reinstall as soon as possible.

Sandra Wilkinson
Director of Store Administration
O'Reilly Auto Parts
417-874-7203

----- Forwarded by Sandra Wilkinson/OReilly on 08/08/2012 01:30 PM -----

From: Seth Cryer/OReilly
To: Sandra Wilkinson/OReilly@OReilly
Cc: Mike Young/OReilly@OReilly, Emily Sindle/OReilly@OREILLY, Regina Tenney/OReilly@OReilly
Date: 08/08/2012 01:26 PM
Subject: Fw: Store 3252 St. Paul, MN

Here's the latest... Please read the thread below and let me know if you have any further questions.

Thank You
Seth Cryer
Regional MaintenanceCoordinator
O'Reilly Auto Parts - Real Estate Dept.
233 S Patterson, Springfield, MO 65801
scryer@oreillyauto.com
417-862-2674 ext 8966
417874-7153 Fax

----- Forwarded by Seth Cryer/OReilly on 08/08/2012 01:25 PM -----

From: Charlie Downs/OReilly
To: Ed Randall/OReilly@OReilly
Cc: Robert Greene/OReilly@OReilly, Camille Strickland/OReilly@OReilly, Seth Cryer/OReilly@OREILLY, Scott Kraus/OReilly@OReilly, Mike Young/OReilly@OReilly, Liz Dugger/OReilly@OReilly
Date: 08/08/2012 10:16 AM
Subject: Re: Store 3252 St. Paul, MN

I'm wagering the bank will become more open to work with us on the contract once they hear this old building has issues and they are on the hook to make some significant repairs, thanks.

Charlie Downs
Vice President Real Estate/Store Expansion
O'Reilly Auto Parts
233 South Patterson
Springfield, MO 65802
Direct: 417-874-7167
Fax: 417-874-7112

Ed Randall

Robert, Thanks I will have a draft prepared and t...

08/08/2012 10:13:03 AM

From: Ed Randall/OReilly
To: Robert Greene/OReilly@OReilly

Cc: Camille Strickland/OReilly@OReilly, Seth Cryer/OReilly@OREILLY, Charlie Downs/OReilly@OReilly, Scott Kraus/OReilly@OReilly, Mike Young/OReilly@OReilly, Liz Dugger/OReilly@OReilly
Date: 08/08/2012 10:13 AM
Subject: Re: Store 3252 St. Paul, MN

Robert,

Thanks I will have a draft prepared and then have you review it before it goes out.

Thanks, Ed

ONE TEAM MOVING FORWARD

Ed Randall
Director of Property Management
O'Reilly Auto Parts
Phone: 417-874-7138
Fax: 417-874-7112

This message is protected by the Electronic Communications Privacy Act, 18 USCS § 2510 et seq., and may not be used, copied or forwarded without the consent of the named recipient(s). The information contained in this message is confidential, is intended only for the use of the individual or entity named. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately at 417-874-7138.

Robert Greene	That is quite a sticking point. With that in mind,...	08/08/2012 10:02:40 AM
From:	Robert Greene/OReilly	
To:	Camille Strickland/OReilly	
Cc:	Ed Randall/OReilly, Seth Cryer/OReilly@OREILLY, Charlie Downs/OReilly, Scott Kraus/OReilly@OReilly, Mike Young/OReilly@OReilly, Liz Dugger/OReilly	
Date:	08/08/2012 10:02 AM	
Subject:	Re: Store 3252 St. Paul, MN	

That is quite a sticking point. With that in mind, PM should send the letter to LL advising of the condition of the brick facade and requesting repairs be made. I would be happy to assist with the letter. Just let me know. Thanks.

Robert L. Greene, Esq.
Director of Real Estate Legal Services
O'Reilly Automotive, Inc.
233 S. Patterson
Springfield, MO 65802
Ph. (417) 829-5716
Fax (417) 829-5726

Camille Strickland	This site is not yet under contract. This sticking...	08/08/2012 09:54:33 AM
Ed Randall	Robert, It appears all of what you stated about th...	08/08/2012 09:48:41 AM
Robert Greene	Ok, I'm still trying to figure out what is going on h...	08/08/2012 09:06:21 AM
Seth Cryer	Robert, Below is the evaluation and quote provi...	08/06/2012 09:21:01 AM



FW: pdf binder these for me please - St Paul, MN
Zach Northrup to: scryer

08/02/2012 01:40 PM

History: This message has been forwarded.

[attachment "OReilly - St. Paul, MN.pdf" deleted by Seth Cryer/OReilly]
Seth,

Here are the pictures, I'll call you in a minute to review.

The area is about 85' x 10' – that's a little tall, but I am not sure how far down it would have to come.

Zach Northrup
GM Northrup Corporation
15950 Franklin Trail SE
Prior Lake MN 55372
952-226-3090
zach@gmnorthrup.com

From: Katie Rutz
Sent: Thursday, August 02, 2012 1:34 PM
To: Zach Northrup
Subject: RE: pdf binder these for me please - St Paul, MN

From: Zach Northrup
Sent: Thursday, August 02, 2012 1:25 PM
To: Katie Rutz
Subject: pdf binder these for me please - St Paul, MN

Zach Northrup
GM Northrup Corporation
15950 Franklin Trail SE
Prior Lake MN 55372
952-226-3090
zach@gmnorthrup.com

--
This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.



To: Wayne Spiering, Fire Inspector

From: Seth Cryer, O'Reilly Regional Facilities Coordinator

Date: 01/14/2015

RE: Exterior Wall Repairs/Code Compliance/Time Frame


Mr. Wayne Spiering,

Pursuant to our conversation, I am writing to provide a timeline for the repairs to the exterior of O'Reilly facility number 3252 located at 1209 West Seventh Street. These repairs have been requested by the City of St Paul in an effort to bring our facility into compliance with current building codes as directed by the Building/Fire Inspector, Wayne Spiering. Notwithstanding circumstances that are beyond our control, O'Reilly and GM Northrup have agreed to the start date of May 01, 2015 with a forty-two day completion schedule. This would result in a projected completion date of June 15, 2015. Please review for your approval and advise of any changes that need to be made in order to satisfy your expectations.

Sincerely,

Seth Cryer
O'Reilly Regional Facilities Coordinator
O'Reilly Auto Parts



Re: Store 3252 St. Paul, MN 

Robert Greene to: Mike Young

08/22/2012 08:12 AM

Camille Strickland, Charlie Downs, Ed Randall, Emily Sindle, Kathy
Cc: Hammock, Liz Dugger, Regina Tenney, Sandra Wilkinson, Scott
Kraus, Seth Cryer, Wendi Page

History: This message has been forwarded.

Since it appears the LL is attempting to gather all necessary info to repair the building, I advised Seth that it would be okay for GM Northrup to discuss their repair estimate with the LL. The LL may just hire them to do the work. It is good to see the LL attempt to repair this problem with the building ...and if Northrup does the repairs...all the better for us...whether we purchase the building or continue to lease it. If Northrup doesn't do the repairs, at least we will have provided all the necessary information to the LL as to what we think should be done to the building to resolve the issue so they better meet that standard. That being said, anything outside Northrup's repair estimate should be off-limits for discussion.

Robert L. Greene, Esq.
Director of Real Estate Legal Services
O'Reilly Automotive, Inc.
233 S. Patterson
Springfield, MO 65802
Ph. (417) 829-5716
Fax (417) 829-5726

Mike Young

Seth received a call from GM Northrup (today) st...

08/21/2012 09:07:02 PM

From: Mike Young/OReilly
To: Ed Randall/OReilly@OReilly, Mike Young/OReilly@OReilly
Cc: Camille Strickland/OReilly@OReilly, Charlie Downs/OReilly@OReilly, Emily Sindle/OReilly@OREILLY, Kathy Hammock/OReilly@OREILLY, Liz Dugger/OReilly@OReilly, Regina Tenney/OReilly@OReilly, Robert Greene/OReilly@OReilly, Sandra Wilkinson/OReilly@OReilly, Scott Kraus/OReilly@OReilly, Seth Cryer/OReilly@OREILLY, Wendi Page/OReilly@OReilly
Date: 08/21/2012 09:07 PM
Subject: Store 3252 St. Paul, MN

Seth received a call from GM Northrup (today) stating that the bank called them in reference to this repair. I told Seth to have all info go through our office and to get Roberts opinion on who they should talk to. GMN did not call them back.

Michael Young
O'Reilly Auto Parts
Real Estate Department
Director of Construction
233 S. Patterson Springfield MO. 65802
(417) 829-5774
Email: myoung1@oreillyauto.com

This message is protected by the Electronic Communications Privacy Act, 18 USCS § 2510 et seq., and may not be used, copied or forwarded without the consent of the named recipient(s). The information contained in this message is confidential, is intended only for the use of the individual or entity named. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately at 417-829-5774.

-----Ed Randall/OReilly wrote: -----

To: Charlie Downs/OReilly@OReilly, Robert Greene/OReilly@OReilly, Scott Kraus/OReilly@OReilly

From: Ed Randall/OReilly

Date: 08/16/2012 11:47AM

Cc: Seth Cryer/OReilly@OReilly, Wendi Page/OReilly@OReilly, Kathy Hammock/OReilly@OREILLY,

Emily Sindle/OReilly@OReilly, Liz Dugger/OReilly@OReilly, Mike Young/OReilly@OReilly, Regina

Tenney/OReilly@OReilly, Sandra Wilkinson/OReilly@OReilly, Camille Strickland/OReilly@OReilly

Subject: Store 3252 St. Paul, MN

Charlie - Robert - Scott

Kathy has finally been able to connect with the bank in regards to this property and the condition of the fascia. Embedded below is the response to the default letter that was sent.

I finally got through to Bob Clerments at the bank, there are getting bids for the repairs and have every intention of getting the building repaired (his words) said he would get back with me when the bids were all in. He also wanted to know if we would be open to a reduced selling price to compensate for the repairs.

Once we have his bids, we will have to determine who we want to finalize the negotiations with the bank.

Kathy,

Once you receive the bids, let me know and then I will schedule a meeting for a smaller group to discuss how we proceed with finalizing any negotiations for the location. In regards to possibly reducing the sales price, let Bob know, that once we receive the bids, we are going to discuss and it is possible we would consider this, but want to review the bids first.

If anyone has any questions, please let me know.

Thanks, Ed

ONE TEAM MOVING FORWARD

Ed Randall

Director of Property Management

O'Reilly Auto Parts

Phone: 417-874-7138

Fax: 417-874-7112

This message is protected by the Electronic Communications Privacy Act, 18 USCS § 2510 et seq., and may not be used, copied or forwarded without the consent of the named recipient(s). The information contained in this message is confidential, is intended only for the use of the

individual or entity named. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately at 417-874-7138.

Saundra Wilkinson—08/08/2012 01:36:33 PM—Folks, not only do we have a building that's brick facade is falling, we are now removing our buildi

From: Saundra Wilkinson/OReilly
To: Charlie Downs/OReilly@OReilly, Mike Young/OReilly@OReilly, Seth Cryer/OReilly@OREILLY, Emily Sindle/OReilly@OREILLY, Regina Tenney/OReilly@OReilly, Scott Kraus/OReilly@OReilly, Robert Greene/OReilly@OReilly, Ed Randall/OReilly@OReilly, Camille Strickland, Liz Dugger/OReilly@OReilly
Cc: Saundra Wilkinson/OReilly@OReilly
Date: 08/08/2012 01:36 PM
Subject: Fw: Store 3252 St. Paul, MN

Folks, not only do we have a building that's brick facade is falling, we are now removing our building signage (rightly so) and installing a temporary banner. The reduced signage is liable to have a major affect on our sales. I'm afraid customers are going to think the store is closed. I know PM and Legal are moving this forward as rapidly as possible, but since each additional day can affect our sales opportunities (as well as our liability), please let us know when we've come to a satisfactory agreement and the wall is repaired, and we will schedule reinstall as soon as possible.

Saundra Wilkinson
Director of Store Administration
O'Reilly Auto Parts
417-874-7203

— Forwarded by Saundra Wilkinson/OReilly on 08/08/2012 01:30 PM —

From: Seth Cryer/OReilly
To: Saundra Wilkinson/OReilly@OReilly
Cc: Mike Young/OReilly@OReilly, Emily Sindle/OReilly@OREILLY, Regina Tenney/OReilly@OReilly
Date: 08/08/2012 01:26 PM
Subject: Fw: Store 3252 St. Paul, MN

Here's the latest... Please read the thread below and let me know if you have any further questions.

Thank You
Seth Cryer
Regional MaintenanceCoordinator
O'Reilly Auto Parts - Real Estate Dept.
233 S Patterson, Springfield, MO 65801
scryer@oreillyauto.com
417-862-2674 ext 8966
417874-7153 Fax

— Forwarded by Seth Cryer/OReilly on 08/08/2012 01:25 PM —

From: Charlie Downs/OReilly
To: Ed Randall/OReilly@OReilly

Cc: Robert Greene/OReilly@OReilly, Camille Strickland/OReilly@OReilly, Seth Cryer/OReilly@OREILLY, Scott Kraus/OReilly@OReilly, Mike Young/OReilly@OReilly, Liz Dugger/OReilly@OReilly
Date: 08/08/2012 10:16 AM
Subject: Re: Store 3252 St. Paul, MN

I'm wagering the bank will become more open to work with us on the contract once they hear this old building has issues and they are on the hook to make some significant repairs, thanks.

Charlie Downs
Vice President Real Estate/Store Expansion
O'Reilly Auto Parts
233 South Patterson
Springfield, MO 65802
Direct: 417-874-7167
Fax: 417-874-7112

Ed Randall—08/08/2012 10:13:03 AM—Robert, Thanks I will have a draft prepared and then have you review it before it goes out. Thanks,

From: Ed Randall/OReilly
To: Robert Greene/OReilly@OReilly
Cc: Camille Strickland/OReilly@OReilly, Seth Cryer/OReilly@OREILLY, Charlie Downs/OReilly@OReilly, Scott Kraus/OReilly@OReilly, Mike Young/OReilly@OReilly, Liz Dugger/OReilly@OReilly
Date: 08/08/2012 10:13 AM
Subject: Re: Store 3252 St. Paul, MN

Robert,

Thanks I will have a draft prepared and then have you review it before it goes out.

Thanks, Ed

ONE TEAM MOVING FORWARD

Ed Randall
Director of Property Management
O'Reilly Auto Parts
Phone: 417-874-7138
Fax: 417-874-7112

This message is protected by the Electronic Communications Privacy Act, 18 USCS § 2510 et seq., and may not be used, copied or forwarded without the consent of the named recipient(s). The information contained in this message is confidential, is intended only for the use of the individual or entity named. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately at 417-874-7138.

Robert Greene—08/08/2012 10:02:40 AM—That is quite a sticking point. With that in mind, PM should send the letter to LL advising of the

From: Robert Greene/OReilly
To: Camille Strickland/OReilly
Cc: Ed Randall/OReilly, Seth Cryer/OReilly@OREILLY, Charlie Downs/OReilly, Scott Kraus/OReilly@OReilly, Mike Young/OReilly@OReilly, Liz Dugger/OReilly
Date: 08/08/2012 10:02 AM
Subject: Re: Store 3252 St. Paul, MN

That is quite a sticking point. With that in mind, PM should send the letter to LL advising of the condition of the brick facade and requesting repairs be made. I would be happy to assist with the letter. Just let me know. Thanks.

Robert L. Greene, Esq.
Director of Real Estate Legal Services
O'Reilly Automotive, Inc.
233 S. Patterson
Springfield, MO 65802
Ph. (417) 829-5716
Fax (417) 829-5726

Camille Strickland---08/08/2012 09:54:33 AM---This site is not yet under contract. This sticking point is that the seller wants non-refundable ea

From: Camille Strickland/OReilly
To: Ed Randall/OReilly@OReilly
Cc: Robert Greene/OReilly@OReilly, Seth Cryer/OReilly@OREILLY, Charlie Downs/OReilly@OReilly, Scott Kraus/OReilly@OReilly, Mike Young/OReilly@OReilly, Liz Dugger/OReilly@OReilly
Date: 08/08/2012 09:54 AM
Subject: Re: Store 3252 St. Paul, MN

This site is not yet under contract. This sticking point is that the seller wants non-refundable earnest money up front.

Camille Strickland
Real Estate Contract Manager
O'Reilly Automotive Stores, Inc.
233 S. Patterson Ave.
Springfield, MO 65802
417-874-7293 voice
417-874-7283 fax

Ed Randall---08/08/2012 09:48:41 AM---Robert, it appears all of what you stated about the lease and purchase are correct. Just as a remin

From: Ed Randall/OReilly
To: Robert Greene/OReilly@OReilly
Cc: Seth Cryer/OReilly@OREILLY, Charlie Downs/OReilly@OReilly, Scott Kraus/OReilly@OReilly, Camille Strickland/OReilly@OReilly, Mike Young/OReilly@OReilly, Liz Dugger/OReilly@OReilly
Date: 08/08/2012 09:48 AM
Subject: Store 3252 St. Paul, MN

Robert,

It appears all of what you stated about the lease and purchase are correct. Just as a reminder there are 5 other tenants in this building besides us. I was not aware of the issues with the brick facade, but agree we need to put the landlord on notice or it could be construed as negligence on our part if someone does get injured.

Since this is under contract do you want to do that, or would you like for PM to issue the letter. Since there is going to be a request for the price reduction, it may be best to come from legal. Just let me know how you would like to proceed.

Thanks, Ed

ONE TEAM MOVING FORWARD

Ed Randall
Director of Property Management
O'Reilly Auto Parts
Phone: 417-874-7138
Fax: 417-874-7112

This message is protected by the Electronic Communications Privacy Act, 18 USCS § 2510 et seq., and may not be used, copied or forwarded without the consent of the named recipient(s). The information contained in this message is confidential, is intended only for the use of the individual or entity named. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately at 417-874-7138.

Robert Greene---08/08/2012 09:06:21 AM---Ok, I'm still trying to figure out what is going on here. See if I have this right: We currently l

From: Robert Greene/OReilly
To: Seth Cryer/OReilly@OREILLY, Charlie Downs/OReilly, Scott Kraus/OReilly@OReilly, Ed Randall/OReilly, Camille Strickland/OReilly
Cc: Mike Young/OReilly@OReilly, Liz Dugger/OReilly
Date: 08/08/2012 09:06 AM
Subject: Re: Store 3252 St. Paul, MN

Ok, I'm still trying to figure out what is going on here. See if I have this right:

We currently lease this building but want to purchase it. However, the landlord has defaulted on their loan and the bank has foreclosed on the property and taken it back. We are dealing with the bank in an attempt to purchase the building and may or may not yet have a contract completed for a purchase price of \$570K and a 90 day due diligence period. But, according to the report attached below from Seth, this

building has the brick facade pulling away from the wall which is causing problems ...and could present a significant liability risk if parts of it were to fall and hit a customer , TM or someone walking by. Since the bank now owns the property we are not sure if we want to bring this to their attention and request it be repaired now due to the fact that they may balk at doing it or it will have a negative impact on our ability to purchase the site.

Does that cover it?

If so, then we need to determine what to do regarding the required work to this building , which appears to be \$28,600. In my opinion we should notify the bank of what our investigation of the condition of the building has revealed and the cost to complete the repairs. The landlord under the terms of the lease (an old Big Wheel Rossi lease so it is a lousy document) is responsible for the structural repairs to the building, which this appears to fall under. Of course the Bank is probably not going to be too interested in sinking more money into this building...especially since they are trying to sell it. We could possibly offer to do the repairs and either reduce the purchase price by that amount **IF** we actually buy the building and property, **or** reduce the rent to offset the cost of repairs if we do not choose to purchase the building and continue to lease it. Either way, we need to put the LL on notice so that if something bad does occur due to the brick facade failing, the LL will be on the hook for the liability.

If I missed something or others have better thoughts or ideas please speak up! Thanks.

Robert L. Greene, Esq.
Director of Real Estate Legal Services
O'Reilly Automotive, Inc.
233 S. Patterson
Springfield, MO 65802
Ph. (417) 829-5716
Fax (417) 829-5726

Seth Cryer--08/06/2012 09:21:01 AM--Robert, Below is the evaluation and quote provided by GM Northrup to repair the front of the buildi

From: Seth Cryer/OReilly
To: Robert Greene/OReilly@OReilly, Mike Young/OReilly@OReilly
Date: 08/06/2012 09:21 AM
Subject: Store 3252 St. Paul, MN

Robert,

Below is the evaluation and quote provided by GM Northrup to repair the front of the building where the brick facade is failing. Per GM Northrup the block wall structure is sound and only the brick facade is collapsing. I have instructed the sign department to remove the O'Reilly sign until permanent repairs can be made. If you have any questions please let me know.

[attachment "OReilly - St. Paul, MN.pdf" deleted by Ed Randall/OReilly] [attachment "#3252 St. Paul, MN Brick removal and replacement 00 40 00 - Bid Form.pdf" deleted by Ed Randall/OReilly]

Notes from phone conversation:

Substrate - Block Wall, appears to be solid and in good condition

Exterior - Brick Facade:

large portion pulling away from the wall. Brick ties may be failing or brick ties may have not been installed at the time of installation judging from the age of the building .

Recommendation is to remove the upper portion of the brick facade to eliminate areas that have failed and address safety concerns. This is a 'plain sight' evaluation and may uncover more issues once repairs begin.

Thank You
Seth Cryer
Regional MaintenanceCoordinator
O'Reilly Auto Parts - Real Estate Dept.
233 S Patterson, Springfield, MO 65801
scryer@oreillyauto.com
417-862-2674 ext 8966
417874-7153 Fax

Seth,

Here are the pictures, I'll call you in a minute to review.

The area is about 85' x 10' – that's a little tall, but I am not sure how far down it would have to come.

Zach Northrup
GM Northrup Corporation
15950 Franklin Trail SE
Prior Lake MN 55372
952-226-3090
zach@gmnorthrup.com

This communication and any attachments are confidential, protected by Communications Privacy Act 18 USCS § 2510, solely for the use of the intended recipient, and may contain legally privileged material. If you are not the intended recipient, please return or destroy it immediately. Thank you.



O'Reilly Store 3252

Ed Randall to: Seth Cryer

10/17/2012 05:05 PM

Cc: Scott Kraus, Sandra Wilkinson, Robert Greene, Camille Strickland,
Kathy Hammock, Liz Dugger, Mike Young, Wendi Page

History: This message has been forwarded.

Everyone,

Received a phone mail from the VP of the bank in regards to the fascia. The bank has decided they are going to make the repairs. After submitting them the letter agreement in regards to the reimbursement, apparently their executives either decided they did not like abating the rent for this repair or potentially deducting it from the purchase price. Either way they have indicated they are going to get this fixed quickly and he will let me know when in the next day or so. Will keep you posted.

Thanks, Ed

ONE TEAM MOVING FORWARD

Ed Randall
Director of Property Management
O'Reilly Auto Parts
Phone: 417-874-7138
Fax: 417-874-7112

This message is protected by the Electronic Communications Privacy Act, 18 USCS § 2510 et seq., and may not be used, copied or forwarded without the consent of the named recipient(s). The information contained in this message is confidential, is intended only for the use of the individual or entity named. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately at 417-874-7138.

Seth Cryer

Thank you for the update, Ed. Thank You

10/12/2012 10:03:08 AM

From: Seth Cryer/OReilly
To: Ed Randall/OReilly@OReilly
Cc: Scott Kraus/OReilly@OReilly, Sandra Wilkinson/OReilly@OReilly, Robert Greene/OReilly@OReilly, Camille Strickland/OReilly@OReilly, Kathy Hammock/OReilly@OREILLY, Liz Dugger/OReilly@OReilly, Mike Young/OReilly@OReilly, Wendi Page/OReilly@OReilly
Date: 10/12/2012 10:03 AM
Subject: Re: O'Reilly Store 3252

Thank you for the update, Ed.

Thank You
Seth Cryer
Regional MaintenanceCoordinator
O'Reilly Auto Parts - Real Estate Dept.
233 S Patterson, Springfield, MO 65801
scryer@oreillyauto.com
417-862-2674 ext 8966
417874-7153 Fax

Ed Randall

Seth, The VP of the bank e-mailed me requestin...

10/12/2012 09:59:33 AM

Seth Cryer	Ed, I would be mindful of the time frame. If you...	10/05/2012 09:15:41 AM
Ed Randall	Scott, We do not have the rights to off set the re...	10/05/2012 08:41:27 AM
Scott Kraus	I think right now we need to make the structural r...	10/04/2012 10:18:03 PM
Saundra Wilkinson	Robert, Mike, Ed, Scott - We need some input.	10/04/2012 11:39:15 AM
Seth Cryer	Saundra, I have not been informed of any decisi...	10/03/2012 03:52:41 PM
Saundra Wilkinson	Any movement on this? Saundra Wilkinson Dire...	10/03/2012 01:50:27 PM
Seth Cryer	Scott, I have discussed the concerns of the pote...	09/25/2012 08:49:28 AM
Robert Greene	I don't think the repairs can wait. Frankly, the ba...	09/25/2012 08:14:16 AM
Ed Randall	I agree with all that, but I think the bigger questio...	09/25/2012 08:09:08 AM
Robert Greene	Agreed. The concern is how do we get reimburs...	09/25/2012 07:41:39 AM
Scott Kraus	The repairs need to be made, but the big questio...	09/24/2012 09:39:38 PM
Ed Randall	Apparently now the bank is considering having u...	09/24/2012 12:56:15 PM



building and parkinglot issues .
mgr3252 to: scryer
Cc: prichards

08/01/2012 03:29 PM

History: This message has been forwarded.

Seth per our conversation the building we are in has been foreclosed on and one of the issues I brought forward to the bank which owns the building is the front wall buckling and our sign pulling away from the building because of it. Also the parking lot out back has 2 huge holes in it, and our delivery trucks and route driver has to try and maneuver around them. When I spoke with the bank's CEO he told me they just want to sell the building to us and they are not planning on doing any repairs to the building, I did tell him the parking lot is a problem and he told me that they would send someone out to fill them. My DM is aware of this and we do believe these are safety issues that need to be addressed before winter is here. The bank said the front wall is still structurally sound for at least a couple more years but I don't want to take that chance.

--

Thanks,

Mark Reinke
Store Manager 3252
651-222-1041