

LAW OFFICES OF
DONALD D. FEARE
ATTORNEY AND COUNSELOR AT LAW

P.O. Box 40131
Fort Worth, Texas 76140

Tel: (817) 336-5163
Facsimile: (817) 877-3239

September 13, 1999

**Via Facsimile (940) 328-7704
and Regular Mail**

Mr. Lance Howerton
City Manager
115 S.W. 1st St.
Mineral Wells, Texas 76067

Re: Complaint; Bat World Sanctuary & Educational Center

Dear Sir:

My firm represents Ms. Amanda Lollar and Bat World, a non-profit public charity. It is my understanding that certain allegations have been made against my clients in relation to a possible injury from the bite of a bat.

My clients operate two facilities in your community. The first is an educational facility in which the bats are confined in flight cages, with no possibility of escape. Obviously, such bats could not have been the source of any alleged bite. The second is a building which, like the other buildings in downtown Mineral Wells, has contained bats for approximately 30 years. Bats in your community are free-ranging and despite claims to the opposite, my client does not own such bats. While they are living in a building she owns, that building was in extreme disrepair prior to her purchase and an eyesore for the community. She has greatly improved the structure and does not control the bats that inhabit the building any more than other businesses located in the community control the bats in and around their structures.

As you may know, my clients have brought tourist business to Mineral Wells. Further, the educational facility is well known and respected. Ms. Lollar also provides a great service to your city departments in relation to bat complaints and has done so for years. In short, the facilities and my clients provide a great benefit to the community and the recent complaint is without foundation.

Bats are a naturally occurring wildlife. Similar to other wildlife, no one owns the bats, nor can they be controlled. Even assuming my client was to exclude the bats from the building from which they have ingress and egress, those bats would simply take up

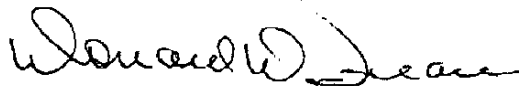
residence in or at another building of suitable habitat. Unless the city is prepared to adopt some plan to exclude bats from the entire city, there would be little accomplished by excluding them from one particular building. Further, the building which my clients use as a bat sanctuary is maintained in a clean and proper manner and the bats are controlled in their access to other areas of the structure. They are checked regularly for ill, injured or dead bats and in sum, maintained in the most healthy environment by which limitations provide wildlife can be controlled.

I am informed that the complainant, Ms. Megan Stone has asserted that the bat which allegedly bit her child was one of my clients' bats. Such an assertion, given the nature of bats, is without foundation. Those bats enclosed could not have been involved. Those that are free-ranging are not my clients' bats, but are wildlife. It is my understanding that there are bats in and on many buildings in town and it could not even be known if the particular bat in question is a resident bat or migrating through. It is virtually impossible to determine from where any particular bat might have come.

It is my hope that the city will take the intelligent and considered course of treating the complaint as groundless. Continued negative publicity and/or a protracted legal battle would ill-serve either party. The City of Mineral Wells should be proud to have such a recognized and professional educational facility within the community. It is highly supported by national organizations and deserves the respect of the community, which it benefits.

Should you wish to discuss the matter, please do not hesitate to contact me. I will be happy to open dialogue toward a timely resolution to this recent unfortunate event.

Sincerely,



Donald D. Feare

DDF/kc

cc: Ms. Amanda Lollar