[redacted]
Riverside, CA 92519
Phone: [redacted]
December 31, 2002

To whom it may concern:

While looking for a plane to commute to my job in Big Bear City, I spoke with Harold Nemer about a Stits Playmate that he had in Ramona, CA. I made an appointment around March 2001 and drove 2.5 hours to look at the aircraft. Mr. Nemer told me that it was not being flown as it was "Out of Annual" which is a yearly inspection required by the FAA for any aircraft to fly. The inspection had not taken place. I was also told that the engine had been rebuilt by a school in Canada and had only about 15 hours flying time. Please note that flying time is used to judge the use of an aircraft engine much like miles are used to judge the usage of a car. The engine, a Franklin Sport 4 was originally sold as a "Kit Engine"

Later, at Riverside Flabob Airport I had asked mechanic Ed Marquart (a close personal friend of Harold Nemer) about this type of engine. We discussed the history, how it compared to factory assembled engines and the safety of this engine vs. factory assembled engines. Mr. Marquart told me there was little difference in safety, but, never mentioned the condition of the engine that he had installed and signed off for Mr. Nemer as being airworthy.

Having experience manufacturing coatings on the Aircraft Fabric I knew that would be good for many years to come. I decided that the aircraft was what I was looking for, a 3 place folding wing, safe aircraft with a new engine. I sent Mr. Nemer a $5000 deposit on the $11000 purchase price. Mr. Nemer agreed to "Fix" the radio and obtain the FAA inspection of the aircraft. I was to obtain liability insurance in both of our names and he would fly the aircraft to Riverside.

When he delivered the plane to Riverside Flabob Airport, I paid the $6000 balance and went flying with him to become familiar landing the aircraft. During our flight the oil temperature was high, but he ignored it. With my lack of experience with this aircraft I assumed it was okay since Mr. Nemer has over 7500 hours of flight time. I landed the plane 3 times and parked it at Riverside airport in my father's hanger. We made a 50-minute flight to return Mr. Nemer to Ramona in a different aircraft. About 1-2 weeks later, Mr. Nemer brought the Log Books, Blue Prints and the wrong form to register the aircraft.

Since the Engine had been rebuilt, my father, Ray Stits (who also had designed the plane) thought that the high engine temperature was a result of poor engine gaffeling, enlarging the cowling for better cooling. At this time it was discovered that the nose landing gear was not working as designed. Upon removal of the nose gear it was found that it had failed and was riding on a failed hydraulic cylinder and completely distorted and unusable rubber donuts. We rebuilt the nose gear that had been signed off by 2 FAA

inspectors. I began to suspect that the inspection was fraudulent. We also discovered bare ignition wires rubbing against raw metal on the firewall. No competent mechanic or inspector would overlook this fact.

Over a 3-month period of time I found the engine oil would over heat within 15 minutes of flight. I purchased an oil cooler with 60% more capacity which cooled the oil to 210 degrees. On that flight I stayed up running the engine at lower RPM to brake in the engine. After a flight of 1 hour and 15 minutes the engine had blown out over 1 quart of oil. Please note the engine only holds 5.5 quarts.

By that time (around July, 2001) I had heard from others that Mr. Marquart and Mr. Nemer had installed the "Rebuilt" engine and could not get it to idle and with the other items discovered, voltage regulator not working etc., I began to suspect a fraud. I was reluctant to think poorly of Mr. Nemer as he had been a longtime family friend.

Using my time and labor, the "Rebuilt" engine was removed and taken to S. C. modification is Corona. They had done work in the past for my family. As indicted on their bill, I have spent over $5000 rebuilding this engine in addition to my time, lost use of the aircraft and expense to rent aircraft for my personal use which includes my involvement in the Young Eagle program which is used to fly children and introduce them to aviation.

I ask for Judgment in the amount of $5120, which includes court cost $20 and process serving of $100.

Sincerely,

[redacted]

David Stits

David L. Stits
[redacted]
Riverside, CA 92519

Dear David,

I was very surprised to receive your letter requesting me to pay for the rebuilding of the engine on your Stits Playmate I did not sell the aircraft to you with the proviso that I would pay for things you might find wrong with the aircraft. I told you everything that I knew about the engine before you bought the aircraft. I informed you that the engine came with no previous logs and what I was told about it's past from the Aviation Company from which I purchased it. I also told you exactly what Ed Marquart did to the engine when it was installed in the aircraft. At no time did I represent any of this work as a 'major overhaul'. When the engine was run on the aircraft it had good oil pressure and had compression readings of, if I remember correctly, 78 or 79 over 80 on all cylinders.[you have the logs]. This is an indication of a healthy engine. I attributed the high temperatures to the rings seating in. I assure you I would never have flown the aircraft if I had any reservations about the safety of the aircraft.

You were aware of the entire history of the aircraft that was available to me. You flew the aircraft when I checked you out in it before you decided to buy the aircraft. I feel I have no responsibility to provide you with a 'majored' engine for your aircraft.

[redacted]

Harold Nemer
[redacted]
Ramona, CA 92065